

(2026) 03 BOM CK 0391

In the Bombay High Court, Aurangabad Bench

Case No : Writ Petition No. 1885 Of 2026

Sampatrao

APPELLANT

Vs

State of Maharashtra

RESPONDENT

Date of Decision : 07-03-2026

Acts Referred:

Constitution Of India, 1950 — Article 21(A), 226

Right Of Children To Free And Compulsory Education Act, 2009 — Section 12(1)

Citation : (2026) 03 BOM CK 0391

Hon'ble Judges : Vibha Kankanwadi, J;Hiten S. Venegavkar, J

Bench : Division Bench

Advocate : Ramrao G. Nirmal, S. K. Tambe, R. K. Ingole

Final Decision : Dismissed

Judgement

Hiten S. Venegavkar, J

1. This writ petition under Article 226 of the Constitution of India has been filed by the petitioner seeking issuance of appropriate writ, order or direction against the respondents. The petitioner primarily prays for a direction to respondent No.2 to accept the admission form of the petitioner's son under the Right of Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as "the RTE Act") under the 25% reservation quota meant for children belonging to economically weaker sections and disadvantaged groups. The petitioner has further prayed for a direction to respondent No.3 to grant necessary sanction/approval so as to extend the benefit of the RTE 25% reservation scheme and the consequential educational benefits to the petitioner's son.

2. The factual matrix of the present petition, as emerges from the pleadings and documents placed on record, is that respondent No.2 had invited online applications under the RTE 25% reservation scheme for the academic year 2025–2026 for admission to First Standard in recognized private schools. The petitioner applied through the online admission portal seeking admission for his son in First

Standard under the said scheme. While filling the online form, a specific question was posed in the application portal as to whether the student had earlier been selected in any lottery process under the RTE admission scheme. The petitioner answered the said question in the affirmative and furnished an undertaking that he would comply with all the conditions prescribed under the scheme.

3. It is the case of the petitioner that respondent No.3 issued a provisional admit card on 14th February 2025 in favour of the petitioner's son directing the petitioner to get the necessary documents verified from the Scrutiny Committee and thereafter approach Jawaharlal Nehru English School, Purna, for admission. It was also mentioned in the provisional admit card that if the petitioner failed to complete the admission process within the stipulated period, the provisional allotment would stand cancelled. According to the petitioner, upon receiving the provisional admit card he withdrew the admission of his son from the existing school, namely Little English School, Purna, and requested the school authorities to remove his son's name from the online portal. After obtaining the transfer certificate from the said school, the petitioner approached the Scrutiny Committee and completed the document verification process.

4. However, on 4th July 2025 the petitioner received a communication from respondent No.4 stating that the admission of the petitioner's son had been cancelled on the ground that the petitioner's son had already availed the benefit of the RTE 25% reservation scheme during the academic year 2024-2025. The petitioner thereafter submitted an application dated 19th March 2025 before respondent No.3 explaining that while filling the online form he had disclosed that his son had earlier been selected under the RTE lottery system and that he had participated in the present admission process because the online portal contained only one option for response to the said question. The petitioner requested reconsideration of the admission of his son under the RTE scheme. Since no favourable response was received, the petitioner again submitted a representation on 23rd May 2025 requesting the authorities to grant admission to his son in the school allotted in the lottery process. As no effective action was taken by the authorities, the petitioner approached this Court invoking its writ jurisdiction.

5. Learned counsel appearing for the petitioner submitted that the respondent authorities failed to properly consider the fact that the petitioner's son had been selected in the lottery process under the RTE 25% reservation scheme for the academic year 2025-2026. It was argued that once the child had been selected in the lottery process, the authorities were bound to grant admission in accordance with the scheme. The learned counsel further contended that there is no express bar under the RTE Act which prevents a child from seeking admission again under the RTE scheme if he participates afresh in the lottery process and is selected. It was submitted that the RTE Act, being a beneficial piece of legislation, has been enacted with the object of ensuring that children belonging to weaker sections are not denied access to elementary education due to

financial constraints. According to the learned counsel, cancellation of the admission of the petitioner's son defeats the very object of the RTE Act and also violates the fundamental right to education guaranteed under Article 21-A of the Constitution of India.

6. On the other hand, learned counsel appearing for respondent Nos.3 and 4 opposed the petition and submitted that the action of the authorities is in strict conformity with the provisions and object of the RTE Act as well as the rules governing admissions under the 25% reservation scheme. It was submitted that the petitioner's son had already been granted admission under the RTE quota in First Standard during the academic year 2024-2025 and that the benefit of the scheme had thus been availed by the petitioner. It was argued that once a seat under the 25% quota is allotted to a child and the admission is taken, the same child cannot again participate in the admission process for the same standard under the same scheme merely because the parent wishes to change the school. Such conduct, according to the respondents, would defeat the equitable distribution of the limited number of seats reserved under Section 12(1)(c) of the RTE Act and would deprive other eligible children of the benefit of the scheme.

7. During the course of hearing, this Court requested the learned counsel for the respondents to keep the concerned officer from the office of respondent No.4 present before the Court so that the possibility of resolving the matter amicably could be explored. The petitioner was also directed to remain present personally before the Court. Upon interacting with the petitioner, this Court enquired whether he had earlier availed the benefit of the RTE 25% reservation scheme for his son during the preceding academic year. The petitioner candidly admitted that his son had indeed been granted admission in First Standard under the RTE quota in the academic year 2024-2025. However, the petitioner stated that due to family difficulties and the distance of the school from his residence, he could not continue his son's education in that school. The petitioner further informed the Court that he had subsequently changed his residence and therefore desired admission in another school which was more convenient for him in terms of picking up and dropping his son while attending his place of employment. The petitioner also stated that presently his son had been admitted in another nearby school by paying fees but that he belongs to a poor family and falls below the economic threshold and therefore seeks admission again under the RTE quota.

8. The officer representing respondent No.4 informed the Court that although there exists a transfer policy under which a child admitted under the RTE scheme may seek transfer to another school for genuine reasons, there is no policy which permits the same child to obtain fresh admission under the 25% reservation scheme multiple times. The officer nevertheless expressed willingness to accommodate the petitioner's son in the school where he had originally been admitted during the academic year 2024-2025 so that he could complete his elementary education there, and suggested that the petitioner could subsequently seek transfer to another school in accordance with the transfer

policy while taking admission in the next class.

9. When this Court again enquired from the petitioner whether he was willing to continue his son's education in the previously allotted school, the petitioner declined the offer and insisted that admission must be granted in the school allotted through the lottery process for the academic year 2025–2026. The Court also enquired about the distance between the petitioner's present residence and the earlier school in which admission had been granted during the academic year 2024–2025. It was informed that the distance was not more than one kilometre. It was further informed that the school in which the petitioner had presently admitted his son by paying fees was also located within a similar distance though slightly closer to his residence. Despite repeated efforts by the Court to persuade the petitioner to consider the reasonable proposal offered by the authorities, the petitioner remained adamant and insisted upon fresh admission in First Standard under the RTE scheme for the academic year 2025–2026.

10. In view of the petitioner's refusal to accept the alternative offered by the authorities, the Court proceeded to consider the matter on merits. Upon perusal of the record and the documents placed before the Court, it is not in dispute that the petitioner's son had secured admission in First Standard under the 25% reservation quota in the academic year 2024–2025. It is also not in dispute that the petitioner had accepted the said admission and that a seat under the statutory reservation scheme had been occupied in the concerned school. The petitioner subsequently discontinued his son's education in that school for personal reasons. As a consequence, the petitioner's son lost an academic year and the seat allotted under the welfare scheme also remained unutilized.

11. Section 12(1)(c) of the RTE Act mandates that unaided private schools shall admit at least twenty-five percent of the strength of the class at the entry level from children belonging to weaker sections and disadvantaged groups in the neighbourhood and provide free and compulsory elementary education till completion. The provision is intended to ensure equitable access to education for children who would otherwise be unable to afford education in private institutions. The scheme operates through a structured admission process including lottery selection where the number of eligible applicants exceeds the number of available seats.

12. If the interpretation suggested by the petitioner were to be accepted, it would permit a parent to repeatedly apply under the RTE scheme for the same child until a preferred school is obtained, even after availing the benefit of admission under the scheme earlier. Such a practice would seriously undermine the purpose of Section 12(1)(c) and would result in unfair exclusion of other eligible children who are waiting for admission under the limited 25% quota. The scheme is designed to distribute educational opportunities among as many eligible children as possible, and not to enable repeated reallocation of seats to the same beneficiary.

13. The Supreme Court in *Society for Unaided Private Schools of Rajasthan v. Union of India*, (2012) 6 SCC 1, while upholding the constitutional validity of Section 12(1)(c) of the RTE Act, emphasized that the provision is a welfare measure intended to ensure social inclusion and equitable access to education for disadvantaged children. The scheme must therefore be implemented in a manner that advances its objective of expanding access rather than enabling repetitive claims by the same beneficiary. The principle underlying such welfare legislation is equitable distribution of benefits among all eligible children belonging to weaker sections.

14. In the present case, the petitioner's son had already been granted admission under the RTE quota in the academic year 2024–2025 and had thereby availed the benefit of the scheme. The petitioner voluntarily discontinued his son's education in that school due to personal inconvenience. The respondents have even offered to accommodate the child in the previously allotted school and suggested the possibility of transfer in accordance with policy. However, the petitioner has declined the said option and insists upon fresh admission in First Standard under the scheme for the academic year 2025–2026. In the considered view of this Court, such insistence is contrary to the spirit and scheme of the RTE Act.

15. The cancellation of the admission by respondent No.4 on the ground that the petitioner's son had already availed the benefit of the RTE 25% reservation scheme in the academic year 2024–2025 cannot be said to be arbitrary, illegal or violative of any statutory or constitutional right. The decision of the authorities is consistent with the objective of ensuring fair allocation of the limited seats reserved under the scheme. The right to education under Article 21-A guarantees access to elementary education, but it does not confer upon a parent the right to repeatedly claim admission under a specific welfare quota after having already availed the benefit once.

16. For the aforesaid reasons, this Court does not find any merit in the present writ petition. The action of respondent Nos.3 and 4 in cancelling the admission of the petitioner's son for the academic year 2025–2026 does not suffer from any illegality, arbitrariness or violation of statutory provisions. The petition is therefore liable to be dismissed.

17. Accordingly, the writ petition stands dismissed. There shall be no order as to costs.