

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1148 OF 2015

Shiveshwar Shikshan Prasarak Mandal
Aurangabad and another .. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri S. R. Barlinge, Advocate for the Petitioner.
Shri P. N. Mule, A.G.P. for the Respondent No. 1.
Ms. Surekha Mahajan, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.
DATE : 11TH FEBRUARY, 2015.**

PER COURT :

. Mr. Barlinge, the learned counsel submits that, since last seven years the petitioner school was allotted center for H.S.C. examination. There are about 49 students in the petitioner school appearing for 12th standard. The learned counsel submits that, there was no reason to cancel the center allotted to the petitioner which is allotted to the petitioner school for seven years. The act of the respondent No. 2 is arbitrary. The students of the nearby area use to attend the center of the petitioner institution at Nachanvel. As such, the question of strength of students was not an issue. The learned counsel submits that, for

seven years the respondent No. 2 did not find any deficiency, such as the laboratory facility not being available, the sun light and air in the class room being not proper. The inspection which is sought to be made is also behind back of petitioners. No notice was given to petitioners. The grounds stated are erroneous. When the civil rights are affected, opportunity of hearing is to be given.

2. Ms. Mahajan, the learned counsel for the respondent No. 2 submits that, at Andhari there are 134 students and of Mohara school there are 90 students. For a center at rural place 350 students are required in a particular center. So considering all these aspects, the decision has been taken coupled with some deficiencies that are detailed in the affidavit are also considered. All these aspects are considered.

3. There cannot be any dispute that it is for the board to accommodate the students at particular center and to allot a center for examination. The petitioner's school was allotted center for last seven years. However, the Board has clarified in the affidavit that the students at Andhari are about 133 and at Mohara there are 90 students. Earlier Mohara was attached to the petitioner's school for center of examination and considering the deficiencies the same has been attached to Andhari. The distance has been considered. The exams are to

commence from 20th February, 2015. It is also submitted by the learned counsel for the respondent No. 2 that, the hall tickets are issued and bar codes are also allotted. In the light of that, it would not be appropriate to disturb the said position at this stage.

4. In the light of the above, it would not be appropriate to entertain the writ petition at this stage. The petitioners may represent their case for the next year with the Board, which the board may consider on its own merits. It is also made clear that, we have not considered the rival contentions of respective parties, as far as deficiencies or otherwise in the representation is concerned. The writ petition is dismissed. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]