

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION No. 729/2015.

Dawaniwada Education Society, Wadaniwada, District Gondia and another.

VERSUS

Maharashtra State Examination Board of Secondary & Higher Secondary Education, Nagpur & ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI
AND A.P. BHANGALE, JJ.

DATE : FEBRUARY 18, 2015.

Heard Shri P.N. Shende, learned Counsel
for petitioners, Shri A. Parchure, learned Counsel for
the respondent no.1 and Shri D.M. Kale, learned A.G.P.
for respondent nos. 2 and 3. None appears for
respondent no.4, though served.

Submission of petitioners is, if there was
already a decision by Board on 04.12.2014 itself, not to
have two centres at village Paraswada, there could not

have been a communication on 17.12.2014 to it, calling for proposal and other information.

Shri Shende, learned Counsel for the petitioners submits that petitioners are having centre for conducting Board Examinations since last 5 years and there were no complaints. The proposal submitted by the petitioners through the Education Officer was not forwarded by that Officer to respondent no.1 at all. He contends that even if the strength of students is alleged to be less as two centers are provided, centre which continued with the petitioners for 5 years, ought to have been again selected, and it was not necessary to shift it to respondent no.4. He also submits that respondent no.4 does not have necessary infrastructure, as it is not receiving any grants. The location of the said centre is also not convenient.

Shri Parchure, learned Counsel appearing on behalf of respondent no.1 submits that there is no legal right either in petitioners or in respondent no.4 to have a centre. The competent Authority has after appreciating the number of examinees and centers did not find it necessary to have both centers i.e. of the

petitioner and respondent no.4. Hence, only one centre has been allowed at village Paraswada, in addition to school of Zilla Parishad. Respondent no.4 School has all the facilities, and therefore, centre has been allotted to it.

Shri D.M. Kale, learned A.G.P. appearing for respondent nos. 2 and 3 is seeking time to file reply affidavit.

During hearing we find that though earlier proposal submitted by the petitioners was not forwarded to Board, Board had called for another proposal from the petitioners, and has evaluated it. Board on affidavit has stated that school of respondent no.4 has got all facilities. There are no allegations of malafides.

If petitioner had centre for 5 years, that does not mean that other schools in the area cannot have the examination centre. In this situation, as Board has considered all relevant material and found that only one more centre can be allowed, it chose to locate centre in respondent no.4 School. It cannot be said to be either arbitrary or perverse. We find no

merit in the matter. Writ Petition is, therefore, rejected.

No costs.

JUDGE

JUDGE

Rgd