

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

WRIT PETITION NO.626 OF 2017

1. Pratibha Niketan Secondary and
Higher Secondary Ashram School,
Manohar Tanda, Tq. Ausa,
Dist. Latur
Through its Headmaster,
Ankush s/o. Mainaji Dede
Aged:45 years, Occ. Service,
r/o. Manohar Tanda, Tq. Ausa,
Dist. Latur
 2. Shriram Shikshan Prasarak Mandal,
Gandhi Nagar, Shindola (Lo),
Tq. Ausa, Dist. Latur,
Through its Secretary,
Pradip s/o. Ramdas Chavan,
Aged : 40 years, Occ. Agriculture,
r/o. Shindola (Lo), Tq. Ausa,
Dist. Latur
- ..Petitioners

Vs.

1. The State of Maharashtra,
Through Secretary to the
Government of Maharashtra
in School Education and Sports
Department, Mantralaya,
Fort, Mumbai – 32
2. The Maharashtra State Secondary
and Higher Secondary Education
Board, Latur Division, Latur,
Through its Divisional Secretary ..Respondents

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Mr.N.P.Patil-Jamalpurkar, Advocate for petitioners
Mr.D.G.Borade, AGP for respondent no.1
Mr.Surekha Mahajan, Advocate for respondent no.2

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**CORAM : V.M. KANADE AND
SANGITRAO S. PATIL, JJ.
DATE : JANUARY 25, 2017**

PER COURT :

Heard the learned Counsel for the petitioners, the learned AGP for respondent no.1 and the learned Counsel for respondent no.2, at length.

2. The learned Counsel for respondent no.2 – Board tenders affidavit-in-reply on behalf of respondent no.2.

3. The learned Counsel for the petitioner – school submits that on earlier occasion, respondent no.2 – Board had taken a decision not to hold examination at the centre of the petitioners. The petitioners had then approached this Court and this Court had permitted to hold examinations at the centre of the petitioners vide order dated 31.01.2012 passed in Writ Petition No.845 of 2012, though the strength of the students, who were appearing for the examination, was less than the required number of students,

because the centre which was proposed by respondent no.2 - Board was 25 kms. away from the place where the students were residing. He submits that thereafter, on another occasion also, this Court vide order dated 07.02.2013 in Writ Petition No.534 of 2013 directed the Board to conduct examination at the centre of the petitioners. He submits that in the impugned communication, there is no reference to the incidents of kidnapping of Supervisor and malpractices at the centre of the petitioners. He, therefore, prays that respondent no.2 - Board be directed to continue the examination centre of the petitioner - school for conducting the H.S.C. examinations.

4. The learned Counsel for respondent no.2 - Board submits that guidelines have been framed by the Board for the purpose of conducting H.S.C. examinations and selecting the centres. She submits that as per the guidelines, there should be strength of at least 350 students at the centre appearing for the H.S.C. examination in the rural

area and in the case of petitioner – school, only 171 students are appearing for the said examination. She further submits that incident of kidnapping of the Supervisor took place at the centre of petitioners and F.I.R. has been registered against the accused on 12.03.2015. She further submits that malpractices also took place at the centre and it has been suggested not to grant permission to petitioner – school to conduct H.S.C. examination.

5. The learned Counsel for respondent no.2 further submits that the distance of petitioner – school to the proposed centre at Ausa is merely 9 kms. The said submission is disputed by learned Counsel for the petitioners contending that the distance of the proposed centre at Ausa is 15 kms. from the petitioner – school.

6. After having heard the learned Counsel for both sides at length, we are of the view that since on earlier two occasions, examinations were

permitted to be held at the centre of the petitioner – school, though the strength of the students, who were appearing for the examinations at the said centre, was less than 200, we are of the view that this time also, respondent no.2 – Board may hold examinations at the centre of the petitioner – school. Though it is submitted by the learned Counsel for respondent no.2 – Board that there were malpractices during the examination at the centre of the petitioners and a case of kidnapping of the supervisor was registered with police, these facts do not find place in the impugned communication/letter issued by respondent no.2 – Board to the petitioners cancelling the centre.

7. The impugned communication/letter dated 08.12.2016 issued by respondent no.2 – Board, therefore, stands set aside. We direct respondent no.2 – Board to hold H.S.C. examinations in February/March, 2017 at the centre of the petitioner – school. However, we direct the police

authorities to provide sufficient security at the centre of the petitioner – school so that no untoward incident would take place. We also direct that the examinations shall be monitored by C.C.T.V. cameras. Respondent no.2 – Board is permitted to appoint its own Supervisor so as to avoid any malpractices at the centre.

8. It is clarified that since no reference is made to any malpractices in the impugned order, we are permitting the petitioners to hold the examinations. In future, if respondent no.2 finds any malpractices at the said centre, the Board may pass appropriate order by mentioning the said incidents.

9. With these directions, the Writ Petition stands disposed of.

[SANGITRAO S. PATIL, J.]

[V.M. KANADE, J.]