

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

Writ Petition No. 0873 of 2017

District : Aurangabad

Jogeshwari Secondary and Higher
School, Palshi, Taluka Sillod,
District Aurangabad,
Through its Headmaster,
Santosh s/o. Jayantrao Pandhare. .. Petitioner.

versus

1. The State of Maharashtra,
Through its Principal Secretary,
School Education Department,
Mantralaya, Mumbai.
2. Maharashtra State Board of
Secondary and Higher Secondary
Education, Divisional Board,
Aurangabad,
Through its Divisional Secretary. .. Respondents.

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Mr. S.S. Thombre, Advocate, for the petitioner.

*Mrs. A.V. Gondhalekar, Asst. Government Pleader,
for respondent no.01.*

Mrs. V.A. Shinde, Advocate, for respondent no.02.

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**CORAM : V.M. KANADE &
SANGITRAO S. PATIL, JJ.**

DATE : 02ND FEBRUARY 2017

ORAL JUDGMENT (Per V.M. Kanade, J.) :

Heard.

02. Leave to amend granted so as to annex the impugned order. Amendment be carried out forthwith.

03. Rule. Rule made returnable forthwith.

04. The petitioner is educational institution which is runnin Secondary & Higher Secondary School at Palshi, Taluka Sillod, District Aurangabad. For XII Standard examination which is scheduled to commence from 28th February, 2017, 177 students are to appear for the said examination. Respondent no.02 - Board has cancelled the examination centre of the petitioner - School on account of insufficient students and attached the students of the petitioner - School to the school at Bharadi for appearing in XII Standard examination. Contention of the petitioner is that the students of their school may be permitted to appear for XII standard examination in the school at Palshi.

05. The learned Counsel appearing for respondent no.02 - Board submitted that as strength of the students appearing for XII standard examination is 177 which is less than 200, as per regulations, the petitioner - school cannot be permitted to conduct the said examination in the school at Palshi. It is submitted that some students from the school of the petitioner are attached to some other school and, therefore, strength has got down.

06. It is not in dispute that there are no mala

fides or unfair practice being used at the examination centre at Palshi. That being the position, students appearing for XIIth Standard examination can be accommodated in the centre at Palshi, though the examination centre at Bharadi is at a short distance.

07. The learned Counsel appearing for the petitioner has invited our attention to the order passed by this Court in **Writ Petition No. 626 of 2017** (*Pratibha Niketan Secondary & Higher Secondary Ashram School, Manohar Tanda, Taluka Ausa, Dist. Latur & another Vs. The State of Maharashtra & another*) on 25th January, 2017, where under similar circumstances, the examination centre was cancelled because the strength of students was less than 200. He submitted that this Court still set aside the order of cancellation of examination centre. We have perused the said order.

08. We are of the view that merely because strength of the students is 177, which is less than 200, that alone cannot be a ground for changing the examination centre at the last moment.

09. We, therefore, set aside the impugned order dated 25th January, 2017, and direct respondent no.02 - Board to make arrangement for holding XII standard examination of the students from the petitioner - school in the school at Palshi which is to commence from 28th February, 2017. We further direct the

Police authorities to provide sufficient security at the examination centre of the petitioner - school, so as to avoid any untoward incident at the examination centre. The situation at the examination centre shall be monitored by providing CCTV cameras at the school. Respondent no.02 - Board shall supervise the arrangement at the examination centre so as to avoid malpractice at the examination.

10. Rule made absolute in the above terms. In the circumstances, parties shall bear their own costs.

11. Parties to act on an authenticated copy / certified copy of this judgment.

(**Sangitrao S. Patil**)
JUDGE

(**V.M. Kanade**)
JUDGE

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