

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

948 WRIT PETITION NO. 1525 OF 2017
WITH CA/1882/2017 IN WP/1525/2017

VISHWABHARTI BAHUDDSHIYA SHIKSHAN SANSTHA RUIBHAR THROUGH
ITS SECRETARY SANJAY V PAWAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Petitioner : Mr. Dahiphale Bapusaheb B
AGP for Respondent No.1 State: Mr. R. B. Bagul
Advocate for Respondent No.2 : Mrs. A. S. Rasal
Advocate for Intervenor : Mr. S. S. Jadhavar

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 7th February, 2017

ORDER:

1. Mr. Dahiphale, the learned counsel for the petitioner states that the petitioner Sanstha runs Chhatrapati Sambhajiraje Junior College of Arts and Science, as per recognition granted to it since 2012. Respondent No.2, after conducting necessary inspection and enquiry and after satisfying that all structural facilities are available, granted HSC Examination Centre to the petitioner at Chhatrapati Sambhajiraje Junior College, Bembali, Taluka and District Osmanabad, vide order dated 29.12.2016. The petitioner made necessary arrangements. The print material is also received by the petitioner, however, abruptly, on 27.01.2017, allotment of centre to the petitioner was cancelled.

2. Learned counsel submits that the lease deed which is allegedly executed in favour of Jijamata Kanya Prasala, Bembali, is already cancelled. Copy of the same is also submitted to the respondents. The petitioner has sufficient number of students.

3. An intervention application is filed by one Dr. Ambedkar Balvikas Shikshan Sanstha. Mr. Jadhaver, the learned counsel for the intervenor submits that Chhatrapati Sambhajiraje Junior College is not in existence in the premises as claimed by the petitioner. The said premise is leased to Jijamata Kanya Prashala. The Education Officer conducted inspection and submitted the report, thereafter the instant order is passed. Intervenor is old Centre since many years. Distance between the Centre which was initially allotted to the petitioner and the intervenor Centre is 8 kms. Intervenor has strength of more than 316 students. The learned counsel submits that even the signatures in the lease deed and agreement of cancellation of lease deed are different. Complaint was filed by the Intervenor and on the basis of that complaint, enquiry and inspection was made, pursuant to which the order came to be passed cancelling the center of the petitioner. The students would suffer,

if the petitioner is allotted the examination centre. There are no infrastructural facilities available with the petitioner. The rooms which are said to be of the petitioner are in fact of Jijamata Kanya Prashala.

4. Mrs. Rasal, the learned counsel for respondent No.2 submits that as per record supplied by respondent No.2, the petitioner centre has 328 students. Centres at the petitioner and intervenor both are feasible. However, considering the fact that lease of the said premises was executed in favour of Jijamata Kanya prshala, the order impugned came to be passed.

5. We have considered the submissions canvassed by the learned counsel for the respective parties.

6. It is not the case that because of allotment of HSC centre to the petitioner, the Centre allotted to the Intervenor would be affected. The Intervenor has also been allotted centre for conducting HSC examination. The same is independent of the centre being allotted to the petitioner. It is submitted by the learned counsel for respondent No.2 that considering the strength of the students, the centres for conducting SSC examination allotted to the petitioner as well as to the intervenor, both are

feasible. The intervenor School has got almost 316 students for HSC Examination and the petitioner would have 328 students for HSC Examination.

7. Considering the submissions, the record of respondent no.2 and even the document of cancellation of lease deed existing and that the print material is also received by the petitioner Institution for conducting HSC Examination, it would not be proper at the eleventh hour to cancel the centre allotted to the petitioner.

8. Considering the above, the impugned order cancelling the center allotted to the petitioner is quashed and set aside.

9. Respondent No. 2 would see that necessary arrangement are made for conducting HSC Examination in conducive manner at the petitioner centre and that all infrastructure exists.

10. Writ petition and intervention application accordingly disposed of. No costs.

11. Authenticated copy of be given.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC