

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

964 WRIT PETITION NO. 1582 OF 2017
WITH CA/2278/2017 IN WP/1582/2017

OM SHANTI ARTS SCIENCE AND COMMERCE JUNIOR COLLEGE
BHOKARDAN THROUGH ITS PRINCIPA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Kshirsagar Gajanan K.
AGP for Respondents State: Mrs. V. H. Patil
Advocate for Respondent No.2 : Ms. Surekha Mahajan

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

DATE : 17th February, 2017

ORDER:

1. Mr. Kshirsagar, the learned counsel for the petitioner submits that the petitioner Institution was a Centre for HSC examination. This year, abruptly, the said centre is canceled. The learned counsel submits that this year, the students of petitioner college are attached to the college at Kedarkheda, which is at a distance of 25 kms and the road is under construction and no vehicle is passing through the said road. According to the learned counsel, there are other colleges which have given consent to be attached to the petitioner college. The petitioner college has 181 students appearing for HSC Examination. The college at at Babhulgaon has also given consent, which is at

a distance of 5 kms and it has 67 students. For allotting centre strength should be at least 250 and the same would be as per the norms.

2. Ms. Mahajan, the learned counsel for the respondent Board submits that as per the report, the facilities at Kedarkheda are better than the other institutions which are attached to Kedarkheda. The learned counsel submits that, hearing has been given to the petitioner college. No illegality is committed.

3. We have considered the submissions.

4. The learned counsel for the Board has placed on record the report of the Block Education Officer. The Block Education Officer, in his report, has categorically stated that whether the centre is given to Kedarkheda or at Nalni, it will be inconvenient for the students of the college to attend any of these centres. It appears that road between Nalni and Kedarkheda is also under construction and the facilities of four wheeler is not available because of the construction of the road as it appears from record. The Centre at Kedarkheda would be inconvenient for the students of the petitioner Institution as means of transportation would not be available because of the

entire road being dug and under construction as it appears from the report.

5. The petitioner college has 181 students. The college at Babhulgaon appears to be nearer. Although we do not have exact distance, some sketch map is produced and the college at Babhulgaon has also given its consent. The said college has 67 students. The said college has also filed intervention application. If the total strength of both colleges is considered, it is almost 250. Considering the convenience of the students, the non availability of the means of transportation, on account of construction of whole road in progress, we are inclined to intervene and exercise our jurisdiction. In the result, we pass following order:

O R D E R

- (1) The impugned communication dated 25.01.2017 is quashed and set aside.
- (2) The respondents shall continue the centre of the petitioner for HSC examination to be held in Feb/March, 2017. Alongwith students of the petitioner college, the respondents may attach

the students of the college of Babhulgaon, Taluka
Bhokardan with the petitioner center.

6. We have passed this order considering the
peculiar facts of the present case as discussed above.
Writ petition accordingly disposed of. No costs. Civil
application also stands disposed of.

7. Authenticated copy be supplied.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC