

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

968 WRIT PETITION NO. 1857 OF 2017

SAMARTHA MADHYAMIK VIDYALAYA JAFRABAD THROUGH ITS
HEADMASTER R B SAWADE

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Mr. Thombre S. S.
Addl. GP for Respondent State: Mrs. M. A. Deshpande
Advocate for Respondent No.2 : Ms. Surekha Mahajan

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

DATE : 17th February, 2017

ORDER:

1. Mr. Thombre, the learned counsel submits that the petitioner is running Secondary and Higher Secondary Schools. The petitioner was having centre for SSC and HSC examination. Almost 211 students would be appearing for the examination for the SSC examination scheduled from 8th March, 2017. The petitioner institution has prepared for all the infrastructural facilities. According to the learned counsel, the respondents did not inform the petitioner about the cancellation of the centre of the petitioner and the respondents abruptly attached the petitioner school to the other centre in Jafrabad Zone. The learned counsel submits that there was no reason to abruptly cancel the centre. The petitioner institution has 103 students

and four other schools have given consent to be attached to the petitioner school. All these aspects need to be considered.

2. Ms Mahajan, the learned counsel submits that the case of the petitioner school was considered. There were total 716 students and in Jafrabad Zone, they are bifurcated in three centres. The petitioner school is attached to a centre at a distance of hardly one km.

3. We have considered the submissions.

4. The strength of the students is also a criteria to be considered. Of course the same cannot be by mathematical precision. However, it has been stated that there are total 701 students appearing for the examination in Jafrabad Zone and they are divided in three centres. The students would be less than 250 in each centre. It would not be overcrowded. Be that as it may, considering the decision taken, at this stage, we are not interfering in the matter, however, for the next examination, the case of the petitioner shall be considered with regard to the allotment of centre. In case the petitioner applies, the same may not be rejected only on the ground that for this year the petitioner school was not allotted centre, as it

appears that there is no allegation of malpractice at the petitioner institution.

5. We this observation, writ petition disposed of.
No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC