

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

972 WRIT PETITION NO. 2015 OF 2017

SAINATH NAMDEO KASULE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioners : Mr. Thombre S. S.
AGP for Respondents: Mrs. V.H.Patil
Advocate for Respondents : Ms. Surekha Mahajan

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

DATE : 17th February, 2017

ORDER:

1. Mr. Thombre, the learned counsel for the petitioners submits that the petitioners are the parents of the students of the Zilla Parishad High School at Dhorkin. The learned counsel submits that for all these years, Zilla Parishad School, Dhorkin is the centre for SSC Examination. Marotirao Patil school of Dhupkheda was attached to the Zilla Parishad School, Dhorkin till the last year for SSC examination. This year, abruptly the same is changed and now the students of Zilla Parishad, Dhorkin are attached to the School at Bidkin Zone, which is 12 km away. The learned counsel submits that the students studying in Zilla Parishad School are coming from lower strata of the society; they are normally the wards of agriculturists;

it would not be possible for them to travel 12 kms and there are many girl students. The learned counsel submits that the school at Dhupkheda is at only 5 kms and now the same is attached to a school at distance of more than 8 kms.

2. Ms. Mahajan, the learned counsel for the respondents submits that minimum 200 students are required for a centre to be feasible. The school of ZP Dhorkin has 151 students and Marotirao Patil School of Dhupkheda has 38 students. There would be 189 students, if the centre is allotted to the Zilla Parishad School at Dhorkin. As the same is below 200 the present arrangement is made.

3. We have considered the submissions.

4. The Zilla Parishad School, Dhorkin has a strength of 151 students appearing for SSC examination. Till last year, the Zilla Parishad School, Dhorkin was examination centre. This year, the students of Zilla Parishad High School, Dhorkin are attached to the school at Bidkin Zone which is 12 kms. away. The school at Bidkin has strength of 805 students. If these 151 students of Zilla Parishad School, Dhorkin are reduced, still the centre at Bidkin would be feasible and will

have much more students than the minimum required. So also, Marotirao Patil School, Dhupkheda which has 38 students was, till last year, attached to the Zilla Parishad School, Dhorkin which is at a distance of only 5 kms and now, this year, the said school is attached to the centre which is at a distance of 8 kms away. The School in Bidkin Zone to which the students of Marotirao Patil School are attached has a strength of 339 students and if these 38 students are reduced, still it would have more than 300 students at the said school which would be more than the prescribed norms.

5. The strength of 200 students need not be calculated with a mathematical precision. If the students of Zilla Parishad school and Marotirao Patil School are taken together, the strength would be 189 students. They are marginally less than the norms, whereas the distance which the students will have to travel is much more.

6. Considering all the aforesaid aspects, the impugned letter is quashed and set aside.

7. The respondent Board shall endeavour to maintain the the Zilla Parishad School, Dhorkin as a

Centre for SSC examination and it may attach the students of Marotirao Patil School, Dhupkheda to the said centre.

8. Writ petition is accordingly disposed of. No costs.

9. Authenticated copy be supplied.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC