

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

WRIT PETITION NO. 2096 OF 2017

JAYHIND SHIKSHAN PRASARAK MANDAL THROUGH ITS
SECRETARY AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Ghute Patil K.J.
AGP for Respondent no.1 : Mr. V.M.Kagane
Advocate for respondent nos.3 & 4 : Mrs. A.S.Rasal
Advocate for respondent no. 5 : Mr. R.S.Patil

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WITH

WRIT PETITION NO. 2351 OF 2017

ARJUN VIVEK KSHIRSAGAR MINOR U/G VIVEK CHANDAR
KSHIRSAGAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Salunke V.D.
AGP for Respondent no.1 : Mrs. M.A.Deshpande
Advocate for respondent no.2 : Mrs. A.S.Rasal
Advocate for respondent no. 5 : Mr. R.S.Patil

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

DATED : 22nd FEBRUARY, 2017

O R D E R :

Writ Petition No. 2096 of 2017 is filed by the institution, whereas Writ Petition No. 2351 of 2017 is filed by the parents of the students of the institution which has filed Writ Petition No. 2096. The grievance of the petitioners is that 125 students of the petitioner institution have been transferred to respondent no.5 Zilla Parishad school and now there would be only 125 students with the petitioner school and Zilla Parishad school will also have only 125 students. According to the learned counsel even report of the Board was adverse to respondent no.5. No infrastructure exists with respondent no.5. The petitioner institution center is running since 2008. Respondent no.5 was given the center for the first time last year that too only for 17 students.

2. Mrs. Rasal, learned counsel for respondent/Board submits that last year the center was given because some persons had sat on fast and

so as to avoid further consequence, center was given to respondent no.5 with 17 students.

3. Learned counsel submits that so as to maintain both the centers the students are bifurcated and both will have about 120 to 125 students.

4. Learned counsel for respondent no.5 Zilla Parishad school submits that the Zilla Parishad school has all the necessary infrastructure and facility and is competent to hold the examination for S.S.C. The same is school run by local authority.

5. Learned counsel for intervenor submits that respondent no.5 school has all the necessary infrastructure and the said school is functioning from the year 1935.

6. In the year 2008 the examination center of

respondent no.5 was transferred to the petitioner school for the first time without issuing any notice of transfer.

7. According to the learned counsel the examination center has been rightly allotted to respondent no.5 school.

8. In the present matter, we are not concerned with the allotment of examination center of respondent no.5. In case the Board wants to continue the same as a center it is for the Board to decide.

9. As far as allotment of students from the petitioner school to respondent no.5 school is concerned, it appears that the same would be against the norms. Time and again the respondent/Board has come up with the case that minimum students to be allotted for examination center for S.S.C. Examination is 200. If the said

norm is accepted, then neither petitioner school nor respondent no.5 school would be entitled for examination center. It is submitted that the petitioner school has got 106 students and the other three schools have given consent to be attached to the petitioner center. The total would be 231 students even if the students of Zilla Parishad school are excluded. Taking away the students from petitioner and adjacent schools would be of no avail, more particularly when the other school have given consent. It is not disputed that these schools are situated in the nearby vicinity of the petitioner school.

10. Considering the above, the impugned communication dated 6.2.2017 is set aside. The students of the petitioner school shall be retained with the petitioner, so also of the school who have given consent to be attached to the petitioner school.

11. Writ Petition accordingly disposed of. No costs.

12. Authenticated copy be given.

13. In view of disposal of Writ Petition, Civil Application stands disposed of.

(K.L.WADANE, J.)

(S.V.GANGAPURWALA, J.)

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