

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

WRIT PETITION NO. 1980 OF 2018

Rajkuwar Secondary and Higher
Secondary Vidyalaya, Hivara (Rala),
Through its Headmaster

..Petitioner

Versus

The State of Maharashtra and anr.

..Respondents

Mr S.S. Thombre, Advocate for petitioner
Mr A.V. Deshmukh AGP for respondent no.1
Ms Surekha Mahajan, Advocate for respondent no.2

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVAL, JJ**

DATE : 16th February 2018

PER COURT

1. Mr Thombre, learned Counsel for petitioner submits that even without show-cause notice, the impugned order is passed permanently closing the examination center of the petitioner. Learned Counsel submits that the principles of natural justice are not followed. No show cause notice was issued. After the impugned order was passed. The petitioner had given detailed reply clarifying all the aspects. Same is not considered. The students of the petitioner-institution are required to travel 35 Kms. for giving examination. Even the respondent-Board has not taken care to attach these students to nearby examination center.

2. Ms Mahajan, learned Counsel for respondent no.2 submits that show-cause notice was issued to the petitioner-institution on 25.3.2017. No reply was received. Thereafter, on 11.7.2017, decision

was taken for permanently closure of the examination center on account of the malpractice. Learned Counsel for respondent no.2 submits that the distance of the nearby center is not 35 Kms.

3. We are not entering into the debate, as to the petitioner having received the show-cause notice or not, however, the examination center of the petitioner is permanently closed down. We are inclined to give one more opportunity to the petitioner. The petitioner may make a comprehensive application/representation with regard to allotment of examination center. The respondents shall consider the said application on its own merits and consider the feasibility of all the aspects of the matter accordingly and communicate the decision to the petitioner. While taking the decision, the impugned order would not be an impediment and independent of the same, the respondents may take decision after considering the application/representation.

4. Writ Petition disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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