

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

WRIT PETITION NO. 13376 OF 2017

Priyavanda Shrihari Kamble
and another .. Petitioners

Versus

The State of Maharashtra and others .. Respondents

Shri Sambhaji G. Munde, Advocate for Petitioners.
Mrs. Vaishal N. Patil-Jadhav, A.G.P. for Respondent Nos. 1 to 4.
Shri U. S. Mote, Advocate for the Respondent No. 5.
Shri Sachin S. Deshmukh, Advocate for Applicant in C. A. No.
749 of 2018.

**CORAM : S. V. GANGAPURWALA AND
ARUN M. DHAVAL, JJ.**

DATE : 16TH JANUARY, 2018.

FINAL ORDER :

. The present writ petition is filed seeking directions against the respondents to accept the examination forms of students of 10th standard.

2. The State Government on 08th February, 2016 directed the Education Department to take steps to forthwith withdraw the recognition granted to the institution to run the Yamadevi Madhyamic Vidyalaya. It is stated that, subsequently on 01st April, 2016, Education Officer passed an order directing de-

recognition of the petitioner No. 2 institution.

3. Mr. Munde, the learned advocate submits that, the petitioners have filed writ petition challenging the order of de-recognition. According to the learned counsel, the petitioners had approached the Education Officer with an application to allow to admit the students. The learned counsel submits that, as the writ petition was pending before this Court challenging de-recognition, the petitioners bonafidely admitted the students. The order of de-recognition was communicated late, as such the students were admitted. According to the learned advocate, if the de-recognition is cancelled, then the petitioners' right to admit the students would revive.

4. Mr. Mote, the learned counsel appears for the respondent No. 5.

5. It is a matter of fact that, the petitioner No. 2/institution has been de-recognized under order dated 01st April, 2016. Earlier to that on 08th February, 2016, the State Government had directed the Education Officer to forthwith take steps for de-recognition. It was also observed that, nine times inspection was carried of the school and it was closed on each and every occasion, still the petitioners had audacity to admit the students. Once the school was de-recognized and this Court had not

granted any relief to petitioners, the petitioners could not have admitted the students and put the career of the students in jeopardy. This Court on 27th November, 2017 to protect the students had passed the following order.

2. It is informed that the students admitted to 10th standard in the school unauthorisedly are expected to appear for board examination scheduled to be conducted in March-April, 2018. The last date prescribed for submission of examination forms is 30th November, 2017. Since the petitioner school is not entitled to admit the students, and the students are unauthorised admitted in the school, with a view to ensure that they shall not put to suffer unnecessarily as a result of lapse on the part of petitioner management, shall be permitted to appear for board examination through the adjoining school.

3. Learned counsel for SSC board states on instructions that the examination forms of the students can be accepted if tendered through Sant Bhagwan Baba Vidyalaya, Pangari.

4. Petitioner shall forward duly filled in examination forms of the students desirous to appear for 10th standard board examination in March-April 2018, through the aforesaid school to the SSC board before the prescribed date i.e. 30th November, 2017. The SSC board shall accept the examination forms together with fees, if tendered through the recognised school i.e. Sant Bhagwan Baba Vidyalaya, Pangari. The Headmaster of Sant Bhagwan Baba Vidyalaya, Pangari shall forward the examination forms of the students together with fees to the SSC board before the prescribed date.

6. The petitioners, it appears that, did not have scant respect to the order of de-recognition and inspite of order of de-recognition went on admitting the students thereby putting the

future career of the students at stake. It is stated that, 35 students were admitted by the petitioners. The petitioners had indulged in illegal act of admitting the students inspite of the recognition of school been withdrawn and till date this Court has not passed any order in the writ petition filed by the petitioners challenging the order of de-recognition. Such an act of the petitioners cannot be tolerated, more particularly, when it concerns the minor students.

7. Though to protect the future of the students, this Court had directed to make an alternate arrangement for allowing the students to appear for examination from another recognized school, the petitioners for this act of malfeasance are required to be penalized.

8. The petitioners are penalized for an amount of Rs. 3,00,000/- (Rs. Three Lacs only) to be deposited with the Education Department within a period of three (03) months from today.

9. As the examination forms are already directed to be accepted, the purpose of the writ petition does not survive. The writ petition is disposed of.

[ARUN M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 17