

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

WRIT PETITION NO. 2599 OF 2019

Mahatma Phule Secondary and Higher
Secondary School,
Kabansangavi, Taluka Chakur, Dist. Latur,
through its Principal/Head Master
Mr. Namdev Ramrao Chame **... PETITIONER**

VERSUS

1. The State of Maharashtra
Through its Principal Secretary,
Department of School Education,
Mantralaya, Mumbai,
2. The Maharashtra State Secondary and
Higher Secondary Education Board,
Latur Divisional Board, Latur
through its Divisional Secretary **... RESPONDENTS**

Mr. M.B. Sandanshiv, Advocate h/f Mr. B.L. Sagar
Killarikar, Advocate for the petitioner
Mrs. M.A. Deshpande, AGP for the respondent/State
Miss. Surekha Mahajan, Advocate for respondent No.2.

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 28.02.2019

P.C. :-

1. Heard learned counsel for the petitioner.
2. Notice was issued and the petition is taken up for hearing disposal, as the learned counsel Miss. Mahajan appearing for the contesting respondent i.e. the Maharashtra State Secondary and Higher Secondary Education Board made available the record of the Board for our perusal. The petitioner is a school being run in area, namely, Kabansangavi, Tq. Chakur, Dist. Latur.

Respondent No.2. (hereinafter the referred to as 'Board' for sake of brevity) by way of communication dated 11.10.2018 informed the petitioner about the hearing scheduled in the office of the Board at 11.00 a.m. Perusal of this document shows that the Board had already informed the School about the closure of examination centre for the examination scheduled in February-March, 2019. The another documents placed on record show that prior to receipt of this communication, the petitioner had submitted a request application to the Board. It is stated in the request application that the number of students in the school of petitioner is 210. Though, it is stated that this number is then classified and then divided number is submitted to the authority in the very communication, perusal of this letter dated 06.09.2018 shows that the strength of the students of the petitioner-school is only 52 students and the petitioner is referring to the strength of the students in the school situated either nearby Kabansangavi or in the vicinity of the place. These are the places Nageshwadi, Yerol, Gegel and Dhamangaon. Respective strength of the schools at these places is 47,29,35 and 47. Thus, the petitioner is referring to the strength of students 210 as the comprehensive strength of the students inclusive of the strength of the students in petitioner-school.

3. The petitioner placed on record certain communications forwarded to the other schools to submit that the place Kabansangavi is a convenient place for attending the examination centre. Record submitted by

Miss. Mahajan, learned counsel appearing for the Board reveals that the examination for secondary school certificate course (revised course) starts from tomorrow i.e. on 01.03.2019 and concludes on 22.03.2019. It is also submitted by Miss. Mahajan, learned counsel appearing for the Board by inviting our attention to a document which is placed on record by the petitioner himself at Exh.'B' submitted that it is informed to the petitioner-school that necessary arrangements are made for the students taking education in the petitioner-school to appear for examination in a centre i.e. other centre i.e. Shri. Shankar Vidyalaya, Aatola. Thus, it is the submissions of Miss. Mahajan that a care is taken to see that the students studying in petitioner-school are not deprived of an opportunity to attend the examinations scheduled from tomorrow i.e. 01.03.2019. It is further submitted that all the other pre-requisite arrangements are also made i.e. providing the answer sheets and other material to the respective examination centre for the smooth functioning of the examinations. Learned counsel Miss. Mahajan appearing for the Board submitted that the requisite number of strength of students though is 250 students, the insistence of this number is only in urban area. Whereas the Board in its discretion considering the peculiar circumstances, namely, the geographical condition, availability of the infrastructural facilities, transportation is not insisting for the number of 250 students in rural areas and the Board if finds there is sufficient number of students and there is availability of transport facilities and the centre is sufficient enough to cater

the need of the students, who are attending the examination, the decision is taken by the Board on these consideration. Insofar as the petitioner is concerned the number of students in the petitioner-school is as less as 52 students. As such the Board thought it fit to provide the centre at Aatola in the school, namely, Shri. Shankar Vidyalaya. On instructions, Miss. Mahajan, learned counsel also submitted that the distance of between Kabansangavi and village Aatola is approximately 9 k.m. and this village Aatola is situated on the main road which passes from Latur to Udgir. As such there are sufficient facilities of transportation and the students would not be deprived of any transportation or conveyance, considering the location of village Aatola.

4. On perusal of the record we find merit in the submission of the Miss. Mahajan. We also see no reason not to accept the statement of the learned counsel appearing for the Board that the distance between Aatola village and Kabansangavi is approximately 9 k.m. As such the students would not face difficulty of transportation or conveyance.

5. Learned counsel for the petitioner submits that in case the petitioner submits a request for examination centre in year 2020-2021 the Board be directed to consider the same, in case of such request is made by the petitioners. Learned counsel Miss. Mahajan submits that the same would be considered on its own merits. The statement of the learned counsel appearing for Board is accepted.

6. Considering all these above referred facts, we are of the opinion that the petition is devoid of merits and deserves to be dismissed. The same is accordingly dismissed.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]