

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

WRIT PETITION NO.8663 OF 2019  
WITH  
WRIT PETITION NO.10524 OF 2019

Balkrishna Sevabhavi Sanstha  
Wadi Tuljapur, Taluka Purna,  
District Parbhani, through its  
President

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr S.B. Solanke, Advocate for petitioner  
Mr V.S. Badakh, A.G.P. for respondents no.1, 3 and 5  
Mr V.S. Choudhary, A.G.P. for respondents no.1, 3 and 5 in  
W.P.No.10524 of 2019  
Mr U.S. Mote, Advocate for respondent no.4 in W.P.8633 of 2019  
Mr V.R. Sonwalkar, Advocate for respondent no.2 in W.P.8633 of 2019

**CORAM : S.V. GANGAPURWALA AND  
SHRIKANT D. KULKARNI, JJ.**

**DATE : 3.2.2020**

**ORAL ORDER :**

1. The learned Advocate for petitioner submits that the center allotted to the petitioner for Xth and XIIth Standards till last year is cancelled. The students of the petitioner-institution would face difficulty and inconvenience would be caused to them. They will have to travel at a long distance.

2. According to learned Advocate, F.I.R. has been filed for wrong reasons. The same was in respect of the incident for Xth Standard examination. The respondents should at least consider the center for XIIth Standard examination, more particularly when there was no malpractice, even according to the respondents.

3. Mr Mote submits that for XIIth Standard examination, two students were sitting on one bench. F.I.R. has been lodged for the malpractice in the center of petitioner's school at the time of Xth Standard examination.

4. We have considered the submissions. The XIth and XIIth examinations were conducted by the petitioner. F.I.R. is also lodged on account of alleged malpractice against the personnel of the petitioner-society.

5. At present, when the matter is seized with the Court dealing with the criminal case, it would not be proper for us to comment upon the same. Whether it is a case of conducting examination for Xth Standard or XIIth Standard, the incident is the same. As F.I.R. is already lodged, we are not exercising our jurisdiction under Article 226 of the Constitution. It is for the Board to consider the request of the petitioner for grant of examination center in accordance with Rules.

6. Writ Petition is accordingly disposed of. No costs.

**( SHRIKANT D. KULKARNI, J.)**

**( S.V. GANGAPURWALA, J.)**

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