

rejecting the application of the Petitioner for allowing its students to appear for 10th standard/SSC examination through G.R. Patil Vidyamandir and Junior College, Dombivali for the academic year 2020-2021. Further direction has been sought against Respondent No.1 to issue Index Number to the Petitioner-School as expeditiously as possible.

3 The Petitioner had been granted permission on 20.06.2018 to start classes 10th to 12th standards by Respondent No.1. Since Index Number was not issued to the Petitioner, Petitioner on 06.04.2021 sought no objection certificate of G.R. Patil Vidyamandir and Junior College, Dombivali, to allow the students of the Petitioner to appear for 10th to 12th standard examination under the Index Number of the said G.R. Patil Vidyamandir and Junior College. The Respondent No.3- the Education Department (Secondary) Zilla Parishad, Thane, on 08.04.2021 recommended the proposal of the Petitioner. Respondent No.2- the Deputy Director also on 08.04.2021 recommended the said proposal of the Petitioner to Respondent No.1.

4 On 09.04.2021, after completion of necessary formalities, the Petitioner submitted the application to the Respondent No.1. Permission was granted by Respondent No.1 on 03.05.2021 to permit

the 12th standard students of the Petitioner to appear for the examination. However, by the impugned order dated 10.06.2021, the Respondent No.1 rejected the proposal for students of the Petitioner to appear for the 10th standard examination through the said G.R. Patil Vidyamandir and Junior College on the ground that the application forms were submitted after cut off date i.e. 22.04.2021. Being aggrieved by this decision, the present Petition has been filed.

5 The learned Counsel appearing for the Petitioner has submitted that inspite of the Petitioner having submitted the forms on 09.04.2021 before the cut off date 22.04.2021, the impugned order dated 10.06.2021 was passed on the ground that the application forms were submitted after cut off date. The learned Counsel for the Petitioner has thus submitted that the impugned order dated 10.06.2021 has been erroneously passed and by which the students of the Petitioner have been deprived from being issued the Index Number. The 10th standard/SSC examination had also been cancelled by the Respondent-State. He has submitted that Respondent No.1-Board had previously accepted such cases of students who had submitted the application form belatedly i.e. after 01.03.2021 but before the cut off date of 22.04.2021 on payment of late fees. He has

submitted that similar order be passed in the Petitioner's case for acceptance of application forms by payment of late fees and for issuance of Index Number to the Petitioner.

6 The learned Counsel appearing for Respondent No.1 has no dispute that the application forms were submitted by the Petitioner on 09.04.2021 before the cut off date i.e. 22.04.2021. He has referred to the circular issued by Respondent No.1 dated 24.02.2021 which prescribed for payment of late fees for application forms submitted after 01.03.2021. He has submitted that since there was delay in submission of the Petitioner forms, Respondent No.1 had taken a decision not to accept the application forms of the Petitioner.

7 Having considered the submission, it is apparent on the facts of the case that the Petitioner has in fact submitted the application forms of students on 09.04.2021 that is before the cut off date of 22.04.2021. The impugned order passed by Respondent No.1 on 10.06.2021 by which the application forms of the students of the Petitioner was not accepted appears to have been passed on the ground that the application forms was submitted after the cut off date. This is an erroneous finding as the latest date for acceptance of

application forms was on 22.04.2021 with payment of late fees.

8 It can be seen from the circular dated 24.02.2021 which has been submitted by the learned Counsel for Respondent No.1 and which is taken on record, the last date for payment of late fees referred to Circular is on 11.04.2021. However, this date was thereafter extended to 22.04.2021. Since, the Petitioner had submitted the application forms on 09.04.2021, in our view, the Respondent No.1 should have accepted the application forms of the students of the Petitioner on payment of late fees.

9 The learned Counsel for the Petitioner has on instructions stated that the Petitioner is willing to pay the late fees for submission of the application forms of its students up to the date of the submission of application i.e. on 09.04.2021. Statement is accepted.

10 We accordingly direct the Petitioner to submit the application forms of the students to appear for 10th standard/SSC examination through G.R. Patil Vidyamandir and Junior College for the academic year 2020-2021 within a period of three days from today. Respondent No.1 is directed to accept the application forms of the Petitioner students upon being submitted along with payment of late fees within a period of one week. The Respondent No.1 shall

issue Index Number to the Petitioner School upon there being compliance by the Petitioner with the requirements of payment of late fees, within a period of three days from submission of the application forms together with payment of late fees.

11 The Petitioner shall submit the evaluation results of its students to the Respondent No.1 within a period of three days thereafter. Upon submission of evaluation results by the Petitioner, Respondent No.1 shall declare the results within a period of five days thereafter.

12 The impugned letter dated 10.06.2021 issued by Respondent No.1 is quashed and set aside. Writ Petition is disposed of in the aforesaid terms. Rule is made absolute. No order as to costs.

13 Parties to act on the authenticated copy of this order.

(R.I. CHAGLA, J.)

(R.D. DHANUKA, J.)