

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

5 WRIT PETITION NO.3521 OF 2022

**SUBHASH KHUBRAJI GADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. V. S. Panpatte.
AGP for Respondent/s-State : Mr. S. K. Tambe.
Advocate for Respondent No.2 : Mr. Umesh S. Mote.

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**CORAM : R. D. DHANUKA, AND
S. G. MEHARE, JJ.**

DATE : 14.03.2022

PER COURT :-

1. By this petition filed under Article 226 of the Constitution of India, the petitioners seek writ of Mandamus against respondent Nos.2 and 3 not to change the examination Center of the SCC exam of the petitioners' children and to allow the students to appear in the exam at center already allotted in the hall ticket at respondent No.4-School.

2. Mr. Panpatte, learned counsel for the petitioners submits that the examination center has been already allotted till 2025. The Hall tickets are already issued to the petitioners in advance

directing them to appear for exams from the examination center at respondent No.4-School. He submits that at the eleventh hour respondents cannot be allowed to change the examination center, which would cause tremendous hardship to the students. The examination fees is also taken on the basis that the examination center would be allotted as per choice of the students.

3. Learned counsel for respondent No.2-Board on the other hand tenders a copy of the order dated 03.03.2022 passed by the Division Bench of this Court in case of Shri. Sainath Gramin Vikas Mandal and Shikshan Sanstha Vs. State of Maharashtra and others in Writ Petition No.3180 of 2022 and vehemently urged that the similar petition filed by the Management of a school impugning similar action on the part of respondent No.2-Board has been rejected in the said order.

4. Mr. Panpatte, the learned counsel for the petitioners states that the said petition was filed by the Institution, whereas this petition is filed by the parents of the petitioners.

5. There is no doubt that the students were issued hall tickets in advance for the exams commencing from tomorrow.

A perusal of the letter dated 12.03.2022 from the respondent No.2-Board indicates that the examination center was required to be changed due to the infrastructure issue to another place. 73 students according to the petitioners and 53 students according to the respondent No.2-Board will have to appear for the exams commencing from tomorrow at the new center mentioned in the said letter addressed to the school. The said letter further indicates that if necessary, transportation also would be provided to the students and no students will be deprived of appearing in the examination because of the change of the center.

6. The Division Bench of this Court in case of Shri. Sainath Gramin Vikas Mandal (supra) has considered identical grievance of the Management impugning the change of centers for S.S.C. and H.S.C. examination after issuance of the hall tickets to the students. This Court accepted the statement made by the learned counsel for the Board that the center was required to be changed because of lack of infrastructure. New Center had been already allotted to the students. This Court accordingly held that it would not be possible to entertain the petition at the eleventh hour. The facts of this case are identical

to the facts before this Court in case of Shri. Sainath Gramin Vikas Mandal (supra). The statements made by Respondent No.2-Board in the communication dated 12.03.2022 are accepted. No students should be put to any inconvenience for attending the examination at the new center for any reasons whatsoever. The learned counsel for respondent No.2 agrees to abide by the suggestions given by the Board in said letter dated 12.03.2022 and shall take all care and precaution to avoid any inconvenience to the students. In our view, it is not possible for the students to appear for the examination at the old center decided earlier on the ground of lack of infrastructure. In our view, the safeguards provided by the Board in the letter dated 12.03.2022 would avoid any inconvenience to the students which would have caused at the old center due to infrastructure problem.

7. Writ Petition is accordingly disposed off in the aforesaid terms. No order as to costs.

(S. G. MEHARE, J.)

(R. D. DHANUKA, J.)

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vmk/-