

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

993 WRIT PETITION NO.1857 OF 2023

NITI NIKETAN HIGHER SECONDARY SCHOOL THROUGH ITS  
PRINCIPAL PRALHAD VISHWANTH JOGDAND  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND  
OTHERS

Mr.A.N.Sabnis, Advocate for the petitioner.  
Mr.S.G.Sangle, AGP for the respondent/State.  
Smt.A.S.Rasal, Advocate for respondent Nos. 2 and 3.

( CORAM : RAVINDRA V. GHUGE AND  
SANJAY A. DESHMUKH, JJ.)

DATE : FEBRUARY 16, 2023

PER COURT :

1. The issue raised in this petition is with regard to the choice of an examination centre for the H.Sc. (12<sup>th</sup> standard examinations), 2023.

The examinations are to commence on 21.02.2023.

2. We have considered the submissions of the learned Advocates for the respective sides and have perused the petition paper book with their assistance. Respondent Nos. 2 and 3 have entered their affidavits in reply.

3. We have gone through the Maharashtra Secondary and Higher Secondary Education Boards Regulations 1977, as amended upto 30.10.1990 and more particularly Clause 83(2) which permits the candidate to select an examination centre nearest to his Institution. However, it shall be competent for the Divisional Chairman to direct the candidate to appear for his written, oral, practical examination test at any other nearby centre at the candidate's own costs. The Divisional Chairman's decision in the matter shall be final.

4. The petitioner is the School Management situated at Jamb (Bk.) Tal.Mukhed, Dist. Nanded. The petitioner desires, in the light of the choice of the students, that the examination centre be positioned at Umardari, Tal.Mukhed, Dist.Nanded, which is at a distance of 26 kms. from the petitioner institution. The authorities have split the total 47 students appearing for the H.Sc. Examination into 2 groups. 25 students are to appear for the examinations in the Mahatma Jyotiba Phule Jr.College, Mukhed, Centre No.0237, which is 23 kms from the petitioner Jr.College. 20 students comprising of 9 girl students, have been allotted Centre No.0236 at the Shahir Annabhau Sathe Jr.College,

Mukhed, which is at a distance of 23.6 kms. Admittedly, both these centres are about 2 kms earlier than the centre preferred by the petitioner at Umardari.

5. We have perused the judgment delivered by this Court [Justice B.R.Gavai (As his Lordship then was) and Sunil P. Deshmukh, J.] delivered in WP No.525/2012, filed by Shri Tukaramji Keshave Shikshan Sansta, Ashta, Tal.Mahur, wherein this Court held in paragraph Nos. 7 and 8 as under :-

*"7. Undisputedly, the students who are likely to take education in the school are from internal rural areas and is at a distance of 10 kms. from the place which they will have to attend the examination centre. If the students of the petitioner-school are directed to appear for examination at Mahur Centre, minimum distance the students would require to travell is more than 10 km.one way. The students of the said school either have to depend upon the public transport or will have to travel by bicycle. It is not possible for every student in rural areas, to travel by motorcycle or scooter which will enable him to travell and reach within short time at centre. If interference is not made by this court, the students in rural area would be required to waste their several hours in 'to and fro journey' for attending the examination center at Mahur.*

*8. In that view of the matter, the case is made out for grant of interim relief. Therefore, interim relief in terms of prayer clause (C)."*

6. Considering the above, the learned Advocate for the petitioner suggested that 20 students, who are to appear at Centre No.0236, may be accommodated at Centre No.0237 which is the Mahatma Jyotiba Phule Jr.College. He points out that, on the last occasion, when the Centre 0236 was allotted, anti social elements created a ruckus and this led to physical assault on one of the teachers of the petitioner / institution.

7. Considering the above and the consent of the petitioner to agree to the examination Centre No.0237, we were inclined to consider the request of the petitioner for transferring the 20 students, including the girl students, from 0236 to 0237. However, the learned Advocate appearing on behalf of the Board submits that the examinations would be commencing from 21.02.2023, which is the coming Tuesday. It would be difficult to obtain the sanction of the Principal of the College at 0237 and then move out 20 students from 0236 to 0237. By now, all these junior colleges have been allotted Centres for students of the H.Sc from various schools. It is not that the said Centre is lying vacant and 20 students from the petitioner / Institution can be granted the

Centre. She, however, submits on behalf of the Board that the request of the Management that all the students be kept together, at one centre, would be considered favourably from the examinations of the next academic year or even for the supplementary exams to be held in October/November 2023.

8. The learned AGP appearing on behalf of respondent No.1 / State submits that necessary instructions would be issued to the Sub Divisional Officer, Mukhed in so far as the examination centre 0236 Shahir Annabhau Sathe Jr.College is concerned and the security will be beefed up to ensure that not a single girl or male student would be harassed. Special attention would be focused on the said institution.

9. In view of the above, this petition is disposed off.

10. The Board shall consider the request of the petitioner for the next academic year, including the examination centre for the supplementary examinations to be held in October-November 2023 and onwards so as to keep all the students of the H.Sc. Course of a particular institution, together at the nearest distance possible.

11. We direct respondent No.1 / Secretary to ensure that there is adequate police force deployed at the examination centre 0236 Shahir Annabhau Sathe Jr.College, Mukhed, so as to ensure an event free examination and not a single girl or male student, would be harassed. The authorities would ensure that there is no eve teasing and disturbance at all the examination centres and especially the Centre No.0236.

( SANJAY A. DESHMUKH, J. )

( RAVINDRA V. GHUGE, J.)