

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 WRIT PETITION NO.1832 OF 2023

SAMAJ PRABHODHAN GRAMIN VIKAS KENDRA THROUGH ITS
SECRETARY AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

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Advocate for Petitioners : Mr. V.S. Panpatte
AGP for Respondent Nos.1 and 3: Mr. S.P. Tiwari
Advocate for Respondent No.2 : Mr. U.S. Mote
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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 14th MARCH, 2023.**

PER COURT :-

1. On 16.2.2023, we had passed the following order:-

“1. The petitioner/Management and the Jr. College, have preferred this petition for seeking an examination centre within the precincts of the College for the 12th standard board examinations.

2. Having considered the submissions of the learned Advocates for the respective sides and upon going through the record available, it appears that though this examination centre has infrastructural facilities, the said centre earlier had become notorious for mass copying until the examinations held in 2019-2020. The learned Advocate for the petitioner contends that when infrastructural facilities are available and the institution is eligible, an examination centre can be granted. Prima facie, we are of the view that mere

existence of infrastructural facilities are not enough. If the Center has historically gained notoriety by being branded as being a mass copying center, it is well within the powers of the authorities, and justifiably so, to refuse to grant the examination center.

3. *The learned Advocate for the petitioners, in the alternative, submits that this petition praying for change in the centre, may be considered as a request for the examinations to be held in March-April 2024.*

4. *To test the bonafides of the petitioners, we suggested as to whether the petitioners are agreeable to install CCTV cameras and resort to videography in each class room where the students would be appearing for the examinations, and such system should be 100 percent functional. The learned Advocate for the petitioner submits that he would take instructions.*

5. *To facilitate the learned Advocate for the petitioners to take instructions, on his consent, we are keeping this matter on 15.03.2023 in the "Urgent Orders Category".*

2. We have considered the submissions of the learned advocates for the respective sides. It does not call for any debate that if the examination centre is fool-proof, sans coping, it can be approved as an Examination centre. If an examination centre becomes notorious for mass copying and that the management is not able to curb coping or malpractices in examination, it would be

appropriate for the authority to refuse an examination centre to such college or school.

3. In view of our earlier order, the learned advocate for the Petitioners submits, on instructions from the representatives of the management, who are present in the Court i.e. Shri Shantiling Ashroba Kale, the Secretary of the Trust and Shri Laxman Bapurao Pathak, the Principal of the College, that CCTV cameras which are functional and having a harddisk of at least 30 days record retention capacity/memory, would be installed in the college. Thereafter, the collage would seek an examination centre. The Respondent Board authorities would be at liberty to test the functionality of the said CCTV installation and only then consider the case of the Petitioner for grant of examination centre for the examinations to be held in the academic year 2023-24. In the light of the same, the Board would accordingly pass appropriate orders.

4. In view of the above, the Writ Petition is disposed off.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/