



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.1435 OF 2024

Shivaji Junior College,
Dabhadi, Tq-Badnapur,
District-Jalna, Through it's Principal

...PETITIONER

VERSUS

Maharashtra Board of Secondary
and Higher Secondary Education,
Aurangabad Divisional Board, Aurangabad,
Through its Secretary,
Railway Station Road, Aurangabad.

...RESPONDENT

...
Mr. Rhshikesh A. Joshi Advocate for Petitioner.
Mr. Umesh S. Mote Advocate for Respondent.

...
**CORAM: SMT. VIBHA KANKANWADI AND
S.G. CHAPALGAONKAR, JJ.**

DATE : 5th FEBRUARY, 2024

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Petition has been filed for following reliefs:-

“(B) By issue of writ of certiorari or any other writ of like nature the action of shifting the center for final examination of Higher Secondary examination to Kolate Pimpalgaon and discontinuing the petitioner institute as center for final examination of Higher Secondary to be held from 21.02.2024 as illegal and same be quashed and set aside.

(C) By issue of writ of mandamus or any other writ of like nature the respondent Board may kindly be directed to continue the petitioner institute as center for final examination of Higher Secondary on behalf of state board, Pune to be held from 21.02.2024.”

2. Learned Advocate Mr. Mote appears and waives notice for respondent. Heard learned Advocate Mr. Joshi for the petitioner and learned Advocate Mr. Mote for the respondent, by consent.

3. It appears that the petitioner college was recognized by the respondent as a center for conducting final examination of Secondary and Higher Secondary, conducted by the respondent Board and the petitioner college was the center for the examinations conducted by the respondent Board in the past for several years. As per the usual practice, this year also the name of the person to be designated as center head was called from the petitioner college and accordingly the petitioner college communicated the name of the Principal of the college. However, thereafter the petitioner college did not receive any communication. The Principal of the petitioner college had gone to the office of the respondent Board and came to know that some other institute was trying to be selected as center for final examination to be held and therefore, the petitioner wrote letter

dated 2nd January 2024 for grant of opportunity of being heard before taking any decision to discontinue the petitioner college as a center for examination, however, there is no response. Hence this Petition.

4. We have specifically asked the learned Advocate for the petitioner, as to under which provisions of law the petitioner college is claiming any right to be appointed as the center for the examination by the respondent Board. He relies on the Maharashtra Secondary and Higher Secondary Education Boards Regulations, 1977, especially Rule 36 of the same, which reads thus:-

"36. Centres and Dates of Examination.

(1) The examination shall be conducted at such centres as may; be fixed by the respective Divisional Boards taking into consideration the norms fixed by the State Board and on such common dates as the Examination Committee of the State Board may determine. The centres so fixed and the common date of commencement of each examination shall be intimated by the Divisional Board to the heads of all secondary schools within its jurisdiction, ordinarily prior to the 1st of December of the preceding year for the examination to be held in March or April and prior to the 1st of July for the examination to be held in October or November. Provided that it shall be competent for the Divisional Board to conduct a special examination at any time in any emergency.

(2) The candidate will ordinarily select the centre nearest to his school for the examination. However it shall be competent for the Divisional Chairman to direct candidate to appear for his oral or practical examination or both at any both nearby centre at the

candidate's own cost and the Divisional Chairman's decision this behalf shall be final."

5. Perusal of the above said rule would make it clear that none of the college/ institute can claim the right to be selected as a center for examination. It is for the Board to select the center taking into consideration the norms fixed by the State Board. The norms fixed by the Board are not filed or tendered by the petitioner. Merely because in the past the petitioner college was selected as a center for examination, may be for more than ten years, it does not give any right to the petitioner. Under the said circumstance, case is not made out to exercise the constitutional powers of this Court under Article 226 of the Constitution of India and the Writ Petition deserves to be dismissed.

6. Accordingly, the Writ Petition stands dismissed.

[S.G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE