



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

WRIT PETITION NO. 409 OF 2025

**LATE KADUPATIL SEVABHAVI CHARITABLE TRUST
THROUGH ITS SECRETARY**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

...

Shri Pokale Dnyaneshwar B., Advocate for the Petitioner.
Shri M.K. Goyanka, AGP for Respondent Nos.1, 3 and 4.
Shri Umesh Mote, Advocate for Respondent No.2.

...

CORAM : MANGESH S. PATIL

&

PRAFULLA S. KHUBALKAR, JJ.

DATE : 10th January, 2025

Per Court :-

The petitioner Institution is aggrieved by the communication dated 03.01.2025 whereby, respondent No.2 Board under the Maharashtra Secondary and Higher Secondary Education Boards Regulations, 1977, has refused to consider the petitioner's case for grant of first time recognition for the academic year 2024-25 to the petitioner's school (10th standard).

2. We have heard the learned advocate for the petitioner, the learned AGP and the learned advocate for the respondent Board.

3. It is being pointed out that under Regulation 28 a timeline has been prescribed for the Institutes to make applications for the first time recognition. The applications have to be submitted prior to 15th July of the previous two years of the date of examination. Even this period can be extended for sufficient cause. The impugned communication mentions that since the examination process for conducting secondary and higher secondary examinations is already underway for the examinations to be held in February-March, 2025, the petitioner's proposal can be considered for the next academic year 2025-26. It also mentions that if the students are to appear for the examination to be held in February-March, 2025, appropriate steps shall be taken by the Deputy Director of Education for routing applications of such students through some other school or college.

4. Though we are not inclined to budge to the request of the petitioner soliciting a writ of mandamus to the respondent Board for considering the proposal for grant of recognition, in the light of the fact that pursuant to the regulations of the Board contained in part II, complex process has been contemplated,

which enables physical verification of infrastructure, staff, etc.. However, we are concerned with the future of around 12 students stated to have been already admitted by the petitioner in 10th standard.

5. It is pertinent to note that though the Divisional Deputy Director of Education accorded permission by his communication dated 17.02.2020 (page No.30) and consequently pursuant to some inspection, the Education Officer (Secondary) addressed him a letter dated 27.10.2024 for taking appropriate steps for having recognition of the Board, the Divisional Deputy Director of Education had taken another couple of months and forwarded the requisite proposal to the Board on 26.12.2024.

6. It is apparent that the office of the Education Department has been alive to the fact that already the petitioner had admitted students to 10th standard English medium. Even if no fault can be found with the respondent Board in observing that the proposal was forwarded belatedly, in our considered view, when the students are not at fault and it is because of the action of the petitioner and lack of promptness in the office of the Divisional Deputy Director of Education that has resulted in the

proposal reaching the Board belatedly, interest of students needs to be protected.

7. Taking a pragmatic view, we dispose of the Writ Petition directing the respondent Board to reconsider the proposal pragmatically taking into account the aforementioned circumstances. The Board shall consider if the recognition can be accorded as expeditiously as possible so that the students would not lose a year.

8. Independently, if possible even the respondent Divisional Deputy Director of Education shall explore and take necessary steps as expeditiously as possible so that the students admitted in the petitioner's school in 10th standard could somehow appear for the examination to be conducted in February-March 2025.

9. It is made clear that since the students are not before us, we are not independently considering their rights against the petitioner Management in case they stand to lose a year and are unable to appear at the examination inspite of the aforementioned directions.

10. Even in the light of the impugned communication, the Divisional Deputy Director of Education shall make necessary arrangement/ pass appropriate orders so that the applications of students, if necessary, are routed through some other Institution. It is also made clear that the Board shall not refuse to accept the examination forms and even if it intends to impose late fees, that shall not be insisted from the students and the petitioner shall be liable to pay it.

kps

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)