drp

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13267 OF 2026

Sant Tukaram Vidyalaya Pimpaldari PETITIONER

VERSUS

The State of Maharashtra and Others RESPONDENTS

.....

Mr. Irfan D. Maniyar, Advocate for the Petitioner
Mr. V. M. Kagne, AGP for Respondent - State
Mr. V. B. Patil h/f Ms. Surekha Mahajan, Advocate for Respondent No.3

.....

[CORAM : NITIN B. SURYAWANSHI, &
ABASAHEB D. SHINDE, J. J.]

DATE : 7th OCTOBER, 2026

ORDER :

1. Indisputably, the issue raised in this petition is squarely covered by the decision of this Court [Coram : Smt. Vibha Kankanwadi And Hiten S. Venegavkar, JJ.] dated 19/01/2026, passed in Writ Petition No.06/2026 and connected writ petitions. Relevant observations in the said judgment are as follows:

> *"28. In that view, while allowing these petitions, we consider it appropriate to issue regulatory directions, in the nature of safeguards, which are necessary to balance student welfare, institutional fairness, and examination integrity. These directions are intended to ensure that examination centres function under strict surveillance and that responsibility is fixed precisely, thereby*

protecting meritorious students and maintaining confidence in the Board's processes.

29. Accordingly, the writ petitions are allowed. The impugned orders cancelling the petitioner institutions' examination centres, including the order dated 18.12.2025 passed by Respondent No.3, are quashed and set aside.

30. Respondent Nos.2 and 3 are directed to restore and continue the examination centres of the petitioners for the ensuing examinations scheduled from February 2026, including examinations for standards X and XII, subject to compliance with the conditions and safeguards recorded herein.

• PETITIONERS TO FILE UNDERTAKING

31. Each petitioner institution shall, within a period of two weeks from today, submit an undertaking on its letterhead, duly signed by the Head of the Institution, stating in clear terms that the institution shall take all precautionary measures to ensure examinations at its premises are conducted in a free, fair, and transparent manner; it shall not tolerate any malpractice, copying, use of prohibited material, impersonation, or any irregularity; it shall cooperate with all inspections, flying squads, and surprise checks; and it shall promptly report any suspicious activity to the Centre In-charge and the Board authorities. The undertaking shall further state that the institution shall facilitate installation and functioning of monitoring mechanisms as directed by the Board.

• PRECAUTIONS AND FACILITATES BY EXAMINATION CENTRE

32. Each Examination institution shall, at its own cost and in coordination with the Centre In-charge, ensure the following minimum safeguards such as regulated entry and exit; proper sitting

arrangement ensuring adequate spacing; display of prohibited items and examination instructions at prominent locations; deployment of adequate number of internal security / guards to prevent entry of unauthorized persons; and maintenance of a visitors' register and incident register. The institutions shall ensure that the premises allotted for examinations are free from obstructions and provide a controlled environment for supervision and frisking as per Board norms.

• DIRECTIONS TO AUTHORITIES

33. Respondent Nos.2 and 3 shall ensure that the staff deputed for examinations, including invigilators and supervisory staff, is duly qualified, trained, and sensitized. Before examinations commence, a brief mandatory orientation shall be conducted, emphasizing zero tolerance to malpractice, proper seizure and reporting protocols, and duty to act without fear or favour. The Board shall ensure that the Centre In-charge is specifically made responsible for compliance with protocol and for immediate reporting of any irregularity.

• DISCIPLINARY ACTIONS AGAINST THE RESPONSIBLE STAFF

34. Where invigilation staff is deputed by the authorities and the conduct of the examination is under their control, and where malpractice or irregularity occurs, Respondent Nos.2 and 3 shall not mechanically proceed against the institution merely because its premises were used. The authorities shall hold a prompt, fair inquiry identifying the persons responsible, including invigilators, supervisors, Centre In-charge, and any other staff, and shall fix liability proportionate to culpability. Where warranted, disciplinary action shall be initiated against responsible staff, and appropriate adverse entries may be made in service records, in accordance with law and service rules, so that accountability is real and deterrent.

• *CLOSURE ACTION OF EXAMINATION CENTRE BY AUTHORITIES*

35. If any centre is proposed to be closed in future, Respondent Nos.2 and 3 shall strictly adhere to the governing standards/regulations, including issuance of a detailed show cause notice specifying the allegations and material relied upon; furnishing of relevant documents to the concerned institution to the extent permissible in law; granting reasonable time to respond; providing a meaningful personal hearing before the competent committee; and passing a reasoned order demonstrating application of mind and proportionality. The decision shall be communicated within the prescribed timelines so that students and administration have certainty well before the commencement of examinations.

36. Respondent Nos.2 and 3 shall ensure uniformity and non-discrimination in the application of standards across centres. If action is taken against certain centres for comparable incidents, the Board shall maintain records demonstrating rational basis for differentiation, so that similarly situated centres are treated similarly. A transparent matrix of action such as warning, enhanced vigilance, temporary restrictions, or closure should be applied in proportion to the gravity and frequency of incidents, rather than as an undifferentiated punitive response.

37. We clarify that if, in future, there is credible material demonstrating mass copying, repeated incidents over successive examinations, institutional connivance, obstruction to supervisory staff, or persistent failure to implement safeguards despite warnings, Respondent Nos.2 and 3 shall be at liberty to take stringent action, including closure, provided it is taken by the competent authority following due procedure and by a reasoned order. The present allowance of the petitions shall not be construed as dilution of the

mandate of fair examinations; rather it ensures that enforcement remains lawful, targeted, and effective.

38. The respondent authorities are directed to circulate this order to the institutions which have been granted examination centres for Classes X and XII.

39. With the aforesaid directions, all the petitions stand allowed. The impugned orders in each petition are quashed and set aside. Rule is made absolute. No order as to costs"

2. For the reasons stated in the said order, the Writ Petition is allowed in the above terms. After the Petitioner files its undertaking, the above directions shall be implemented by the Respondents.

[ABASAHEB D. SHINDE]
JUDGE

[NITIN B. SURYAWANSHI]
JUDGE

drp/wp13267-26.doc