

{1}

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

WRIT PETITION NO.472 OF 2026

- | | | |
|------------------------------|---|-----------------|
| 1. Kajal Janardan Mugatrao |] | |
| 2. Pooja Samadhan Salve |] | |
| 3. Ashwini Sheshrao Salve |] | |
| 4. Somnath Dinkar Salve |] | |
| 5. Kartik Shivaji Lavate |] | |
| 6. Pandurang Bhagwat Lavate |] | |
| 7. Sakshi Vishnu Phalke |] | |
| 8. Rupali Chandan Salve |] | |
| 9. Rutuja Nilesh Salve |] | |
| 10. Sominath Valmik Yavahare |] | |
| 11. Shivaji Ganesh Jadhav |] | |
| 12. Navnath Narsing Salve |] | |
| 13. Aman Ratan Gofne |] | |
| 14. Samadhan Gangadhar Salve |] | |
| 15. Shivani Ramesh Jadhav |] | |
| 16. Babu Shivram More |] | |
| 17. Kishor Sham More |] | |
| 18. Karan Vijay Salve |] | ... Petitioners |
| 19. Arbaz Nasir Sayyad |] | |
| 20. Samir Shaikh Noor Shaikh |] | |
| 21. Pooja Ram Chhadidar |] | |
| 22. Kashish Javed Qureshi |] | |
| 23. Salman Farukh Shekih |] | |
| 24. Siddhi Vinayakrao Dandge |] | |
| 25. Reshma Yusuf Sheikh |] | |
| 26. Ishwar Ashok Gofne |] | |
| 27. Komal Samadhan Gofne |] | |
| 28. Sadhna Pandurang Gadhe |] | |
| 29. Rukhsar Anis Kureshi |] | |
| 30. Vishal Vilas Salve |] | |
| 31. Aisha Chandpashu Sheikh |] | |
| 32. Yash Sahebrao Danake |] | |
| 33. Vikas Ashok Gofne |] | |
| 34. Sominath Ashok Gofne |] | |
| 35. Saurabh Prabhakar Gofne |] | |
| 36. Pawan Shantaram Jadhav |] | |
| 37. Kartik Vishnu Pitule |] | |
| 38. Abhishek Fakira Ingale |] | |

Versus

{2}

- | | | |
|---|---|-----------------|
| 1. The State of Maharashtra |] | |
| (Through Secretary School Education |] | |
| and Sports Department) |] | |
| Manatralaya, Mumbai – 400 032. |] | |
| |] | |
| 2. Maharashtra State Board of Secondary |] | ... Respondents |
| and Higher Secondary Education, |] | |
| Through its Divisional Secretary, |] | |
| Divisional Board. Aurangabad. |] | |
| |] | |
| 3. District Education Officer (Secondary) |] | |
| Jalna, Dist. Jalna | | |

.....

Mr. Gajanan K. Kshrisagar, Advocate for Petitioners
 Mr. S.B. Narwade, AGP for Respondents No.1 and 3
 Ms. Surekha Mahajan, Advocate for Respondent No.2

.....

**CORAM : SMT. VIBHA KANKANWADI AND
 HITEN S. VENEGAVKAR, JJ.**

DATED : 16 JANUARY, 2026

JUDGMENT [Per Hiten S. Venegavkar, J.] :-

1. Rule. Rule made returnable forthwith. By consent of the learned counsel appearing for the parties, the petition is taken up for final disposal.

2. The petitioner, a student studying in Standard X and preparing for the Secondary School Certificate (SSC) Examination, has invoked the writ jurisdiction of this Court under Article 226 of the Constitution of India, seeking to quash and set aside the communication/order dated 23.12.2025 issued by the Divisional Board, Chhatrapati Sambhaji Nagar,

whereby the request for change of examination centre was rejected. The petitioner also seeks a direction to respondent no.2 to allot the examination centre at Om Shanti Prathamik and Madhyamik Vidya Mandir, Baranjala, Taluka Bokhardan, District Jalna.

- **Facts:**

3. The case of the petitioner, in substance, is that the petitioner was earlier allotted an examination centre at or near the school where the petitioner studies, at a distance of about 12 kilometres, which was convenient and accessible by regular transport. It is contended that the respondent authorities subsequently changed the centre to Rajeev Sambhaji Madhyamik and Uchcha Madhyamik Vidyalaya, Jaokheda Theng, Taluka Jafraabad, District Jalna, at a distance of approximately 32 kilometres. According to the petitioner, this change was effected without prior notice or consultation and without due consideration of hardship, safety, and inconvenience to minor students.

4. It is further pleaded that the parents of the students submitted a consent letter signed by 87 parents requesting allotment of the earlier centre and that the Headmaster forwarded a proposal on 14.10.2025 to the Divisional Secretary, Maharashtra State Board, seeking attachment of students to the earlier centre citing reasons of distance, safety and lack of transport. The petitioner also relies upon: (i) a No Objection

{4}

Certificate allegedly issued by Om Shanti Prathamik and Madhyamik Vidya Mandir on 18.09.2025; (ii) a letter of the Block Education Officer dated 10.10.2025 recommending shifting of the students to the said centre; and (iii) a recommendation forwarded by the District Education Officer (Secondary), Zilla Parishad Jalna, dated 13.10.2025.

5. Despite the aforesaid correspondence, the Divisional Board by communication dated 23.12.2025 informed the Headmaster of the petitioner's school that the request for change of examination centre was rejected and that the allotted centre cannot be changed. Hence, the present petition.

- **Submissions on behalf of the Petitioner**

6. Learned counsel for the petitioner submitted that the petitioner and similarly situated examinees are minors and, therefore, the Board ought to have prioritized ease of travel, safety and convenience. It is argued that the shifting of the examination center from an earlier distance of about 12 kilometers to about 32 kilometers imposes undue hardship, increases travel time on examination days, and may adversely affect the performance and wellbeing of students.

7. Learned counsel further submitted that the proposal for restoration of the earlier centre was supported by the consent of both

schools and recommended by the Block Education Officer and District Education Officer; yet, the Divisional Board rejected it without adequate reasons. It is contended that the decision is arbitrary and unreasonable, warranting interference under Article 226.

- **Submissions on behalf of the Respondents**

8. Per contra, learned AGP for the State and learned counsel appearing for respondent no.2/Board opposed the petition. It is submitted that the petitioner, being an individual student (or even through guardian), has no enforceable right to insist upon a particular examination centre as a matter of choice and lacks locus standi to challenge the administrative decision of the Board pertaining to allotment/attachment of centres.

9. It is further submitted that examination centre allotment is an administrative and logistical function involving multiple constraints, including minimum student strength, infrastructure, invigilation arrangements, confidentiality protocols, and standardization of examination administration. The earlier centre was found short of students and, therefore, the concerned arrangement had to be rationalized/shut down. The alternative centre was allotted as the most feasible option and is not shown to be impossible or unsafe to access. The respondents contend that transport facilities exist and mere

distance/time cannot be the sole ground for a writ to compel the Board to modify centre allotment.

10. Lastly, it is argued that if individual requests for preferred centres are entertained through writ proceedings, it would lead to administrative chaos and defeat uniformity and fairness in examination administration. On these grounds, the respondents pray for dismissal.

- **Points for Determination**

11. The following issues arise for determination:

- (i) Whether the petitioner has a legally enforceable right to claim allotment of an examination centre of choice and whether the petition is maintainable at the instance of a single student/guardian in such matters; and
- (ii) Whether the impugned decision rejecting change of examination centre is vitiated by arbitrariness, mala fides, perversity, or violation of any statutory duty so as to warrant interference under Article 226.

- **Reasons and Analysis**

12. This Court's jurisdiction under Article 226 is undoubtedly wide; however, the power is discretionary and is exercised to remedy illegality, irrationality, procedural impropriety, and constitutional/statutory violations. It is not an appellate jurisdiction to substitute the Court's view for that of the competent administrative authority in matters involving policy choices, logistics, and institutional administration,

{7}

unless the decision is shown to be arbitrary, *mala fide*, or in breach of law.

13. Allotment of examination centres particularly for public examinations conducted at large scale is essentially an administrative function. It involves assessment of centre capacity, staff availability, invigilation deployment, confidentiality and security of question papers/answer scripts, examination discipline, feasibility of supervision by flying squads, and compliance with Board norms. Such decisions are taken keeping in view the overall administration of examinations for a large number of students across multiple institutions.

14. Importantly, the petitioner has not placed on record any statutory provision, rule, regulation, or binding guideline conferring a right upon a student to demand allotment of a particular examination centre. In the absence of such legal entitlement, the relief sought essentially amounts to a request that the Court direct the Board to accommodate the petitioner's preference. A writ of mandamus cannot be not issued to enforce conveniences or preferences; but it is issued to enforce a legal right and a corresponding public duty.

15. The petitioner's principal grievance is hardship due to the increased distance from approximately 12 kilometres to approximately

32 kilometres. Hardship is a relevant consideration for an authority while making administrative arrangements; however, hardship by itself does not convert an administrative matter into a justiciable right, nor does it automatically render the decision arbitrary. The Court must examine whether the decision is demonstrably unreasonable in the Wednesbury sense or whether it is tainted by *mala fides*, discrimination, or patent non-application of mind.

16. In the present case, *mala fides* are neither pleaded with particulars nor substantiated by material. The pleadings do not disclose any extraneous consideration, bias, or targeted discrimination against the petitioner or the petitioner's school. The challenge, therefore, reduces to a claim that the Board should have accepted the recommendation forwarded by certain education officers and the consent letters of parents/schools.

17. Recommendations by the Block Education Officer or District Education Officer, or NOC/consent by schools, may be inputs for the Board's consideration, but they do not bind the examining body. The examining body is the statutory authority charged with overall examination administration and must balance competing requirements across multiple centres and schools. A recommendation cannot, by itself, create a right in favour of a student, nor can it curtail the

discretion of the Board if exercised within the bounds of law and reason.

18. The petitioner has also urged that the earlier centre had been allotted up to 2018. Past practice does not crystallize into a vested right, particularly in administrative matters which are inherently dynamic and dependent on changing logistics, student strength, and infrastructure. Examination arrangements may legitimately vary from year to year. The Court cannot compel continuation of an earlier arrangement merely because it existed in the past.

19. The respondents have stated that the earlier centre was short of students and hence the concerned arrangement was shut down, and that the alternative centre was selected as the feasible option. Whether a centre meets minimum student strength or administrative norms is a matter best assessed by the Board. This Court, in writ jurisdiction, cannot undertake a fact-intensive exercise to evaluate optimal centre selection or to micro-manage examination logistics, especially when the impugned action is not shown to be illegal or perverse.

20. It is also relevant that the relief sought is not merely to reconsider but to direct allotment of a specific centre. Granting such relief would amount to substituting the Court's decision for that of the

competent authority and may open the door to similar petitions, thereby undermining uniformity and manageability of the public examination system. Courts have consistently exercised restraint in matters of academic/examination administration unless a clear legal violation is demonstrated.

21. As regards maintainability and *locus standi*, while a minor student can approach the Court through a guardian, the real question is whether the petitioner has an enforceable cause of action in law. The grievance pertains to a general administrative arrangement affecting a class of students and requiring complex balancing. The petitioner has not demonstrated a breach of any statutory duty owed specifically to the petitioner, nor any infringement of a fundamental right. In such circumstances, entertaining an individual challenge to the allotment of an examination centre without any pleaded illegality, *mala fides*, or discrimination would not be an appropriate exercise of writ jurisdiction.

22. Even assuming the petitioner experiences inconvenience, the material placed does not establish that access to the allotted centre is impossible, unsafe to the point of constitutional concern, or that the Board ignored any mandatory procedural requirement. The petition essentially seeks a direction based on comparative convenience. That is insufficient for judicial intervention in the facts of the present case.

{11}

23. For all the aforesaid reasons, this Court is not persuaded that the impugned communication dated 23.12.2025 suffers from illegality, arbitrariness, procedural impropriety, or violation of any enforceable right so as to warrant interference under Article 226. Hence, we proceed to pass the following order:

Order

- (i) The writ petition is devoid of merit and is accordingly dismissed.
- (ii) Rule is discharged. There shall be no order as to costs.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE