Kavita S. J.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13296 OF 2026

Dang Seva Mandal's Janta Vidhyalay and Junior College Through its Principal, Sunil Shankar Bova …Petitioner

Versus

The State of Maharashtra & Ors., …Respondents

Ashwin R. Kapadnis & Balaji Shinde for Petitioner.

Smt. P.N. Diwan, AGP for Respondent – State.

Mrunal Tawade a/w Shyamali Gadre i/b Little & Co. for Respondent No.5.

CORAM : R.I. CHAGLA AND
FIRDOSH P. POONIWALLA, JJ.

DATE : 14th OCTOBER, 2026.

ORDER :

1. By this Petition, the Petitioner is seeking a direction against the Respondents to restore and continue the examination center for the purpose of conducting 12th Standard / Higher Secondary Certificate (HSC) at Janta Vidyalay and Junior College, Abhona, Taluka : Kalvan, District : Nashik for the ensuing examinations scheduled from February, 2027.

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2. Further, the prayer is sought for quashing and setting aside of the impugned Order dated 20th January 2027 passed by Respondent No.5 - Maharashtra State Board of Secondary and Higher Secondary Education from a Nashik Division Board, Nashik by which examination center of Petitioner - Institution was cancelled for the purpose of conducting HSC examinations.

3. The Petitioner - Institution runs the Secondary and Higher Secondary School / College at Abhona, Taluka : Kalvan, District : Nashik, imparting education for Standards 11 and 12 in Arts, Commerce and Science streams and claims to possess requisite permissions.

4. The Petitioner - Institution is a center for conducting 10th and 12th Class examinations and for which permission had been granted by Respondent No.5 as center examination No. 310 since the Year 1998.

5. The Petitioner - Institution claims to consist of 27 Classrooms, Staffroom, Principal Office, Administrative Office and possessing 48 CCTV in all Classes and all premises under CCTV surveillance.

6. The Petitioner – Institution states that during the Annual Examination, February-March 2025, an unfortunate solitary incident occurred where one student was found in possession a book of Kohonoor standard, Physics, 12th, Part I ("said book") in examination hall in his pocket.

7. In respect of this solitary incident, a Show Cause Notice was issued 4th September 2025 by Respondent No.5 to the Petitioner - Institution seeking explanation as to why the Petitioner - Institution's examination center should not be closed.

8. The Petitioner - Institution submitted its Reply to the Show Cause Notice on 17th September 2025, wherein the Petitioner - Institution explained that all due precautions have been taken in respect of physical checking on a daily basis for every examination paper. Further, the staff had been strictly warned to take every measure for the examination to ensure that it would be conducted without any cheating which is strictly prohibited. However, unfortunately, the said book was carried by the student in a handkerchief or in compass box and went unnoticed. The Petitioner - Institution claims that the student had not copied from the said book

in his answer sheet. Further, the Petitioner - Institution has assured that in future all care will be taken to ensure that no such incident will happen. Accordingly, Respondent No.5 was requested not to close down the centre for such solitary incident.

9. The Respondent No.5 conducted the hearing on 18th September 2025. By the impugned Order dated 23rd January 2026, the Respondent No.5 directed the closing down of the examination Centre No. 310 allotted to the Petitioner - Institution, and shifted the examination centre to Centre No.311.

10. Being aggrieved by the impugned Order dated 23rd January 2026, the present Writ Petition has been filed.

11. Mr. Kapadnis, learned Counsel appearing for the Petitioner has submitted that the impugned Order dated 23rd January 2026 is a cryptic order without furnishing of reasons. He has submitted that the Petitioner - Institution has been allowed by Respondent No.5 to be a centre of conducting 10th and 12th class examinations.

12. The Petitioner – Institution has accordingly been a

Centre Examination No. 310 since 1998. There have been no instances until the solitary incident which took place during annual examination February-March 2025, on 17th February 2025, when the student was found in the examination centre to possess the said book.

13. Mr. Kapadnis has submitted that this Petition is covered by a Judgment of this Court (Aurangabad Bench), in ***Krushi Va Gramin Vikas Pratishthan's Raje Shahaji Kashinath Mahavidyalaya & others Vs. State of Maharashtra & others,***[1], wherein on similar facts as in the present Petition, the Aurangabad Bench considered the solitary incident of malpractice during an English paper on 11th February 2025, and by virtue of which the examination centre of the Petitioner - Institution had been cancelled by the impugned Order dated 18th December 2025.

14. The Aurangabad Bench was of the view that the impugned order was a cryptic order and did not describe the nature of irregularity, whether it was copying by a candidate, whether any material was seized, whether any supervisory lapse was found, whether any complicity was attributed, or whether the incident was

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of mass scale or isolated.

15. Further, the impugned order did not demonstrate consideration of the Petitioner's reply to the show cause notice. It did not record why the explanation was unacceptable or why a lesser corrective measure would not suffice.

16. Further, it has been held that in administrative law, particularly when an order has grave civil consequences, reasons are the heartbeat of the decision. Recording of reasons is not a mere formality; it demonstrates application of mind, assures fairness, enables judicial review, and instills public confidence that the power has not been exercised, arbitrarily or capriciously. Where the consequences is permanent cancellation of an examination centre, which is an action akin to a major penalty for the Institution, then the reasons must be clear, relevant, and proportionate to the material. Accordingly, the Aurangabad Bench has allowed the Petition by restoring the examination centre of the Petitioner - Institution.

17. Mr. Kapadnis has submitted that in the present case, the Petitioner - Institution had in its Reply to the Show Cause Notice explained the fact that they had taken all precautions in respect of

physical checking on a daily basis for every paper during the examination held, all steps had been taken to ensure that there would be no cheating during the examination. The one solitary incident had unfortunately gone unnoticed as the said book had been carried by the student in a manner which went undetected.

18. Mr. Kapadnis has submitted that, it is not established that the student had copied from the said book in his answer sheet. He has submitted that the Petitioner - Institution is willing to give an undertaking that in future all care will be taken and no such incident will be allowed to happen. He has accordingly submitted that for such solitary incident, the examination of center of the Petitioner - Institution, which is running since 1998, ought not to be closed.

19. Ms. Mrunal Tawade, learned Counsel appearing for Respondent No.5 has supported the impugned Order dated 23rd January 2026. She has submitted that there is a strict prohibition imposed by Respondent No.5 on cheating in examinations held for higher secondary education (Class 12). She has submitted that a committee had been formed for inquiry into the aforesaid incident, and the inquiry committee had found malpractice and decision was

taken to cancel the examination centre of the Petitioner - Institution.

20. Ms. Tawade has submitted that there is a zero tolerance of malpractice in examination centres and in view of the aforesaid incident, having taken place, the decision of cancelling the examination centre in the Petitioner – Institution is justified. She has submitted that in passing the impugned Order the Reply of the Petitioner to the Show Cause Notice has been considered and accordingly decision has been taken.

21. Ms. Tawade has submitted that in the event this Court is inclined to allow the Petition, an undertaking is required to be furnished by the Petitioner - Institution on similar terms as had been directed to be furnished by the Aurangabad Bench.

22. Having considered the submission, in our view, the present Petition is covered by the Judgment of the Aurangabad Bench in ***Krushi Va Gramin Vikas Pratishtan's Raje Shahaji Kashinath Mahavidyalaly (supra)***. In the present case, as in that case, it concerns a solitary incident. Although, it is contended by Respondent no. 5 that an inquiry committee was constituted after the solitary incident who found there to be malpractice, the impugned order on

the face of it is a cryptic order and no proper reasons have been furnished for cancelling the examination center of the Petitioner Institution.

23. We are inclined to follow the view taken by the Aurangabad Bench of this Court that one solitary incident could not have resulted in the closing down of the examination center of the Petitioner - Institution, particularly when there are no justifiable reasons given for such action taken in the impugned order, which is a cryptic order.

24. The consequence of permanent cancellation of an examination center is an action akin to a major penalty for the Institution, and for which reasons must be clear, relevant, and proportionate to the material.

25. It further appears from the impugned order passed by Respondent No.5, that the response of the Petitioner - Institution has not been considered.

26. We do appreciate that cheating in any examination center of an educational Institution is strictly prohibited and that

there is zero tolerance to malpractice. However, considering the fact that this is a solitary incident and the examination center of the Petitioner - Institution having been allowed to conduct examinations since the year 1998, we do not see any reason for not allowing the prayers sought for in the Petition.

27. In so doing, we direct the Petitioners to file an undertaking in the form of an Affidavit of undertaking on its letterhead, duly signed by the head of the Institution, stating that the Petitioner Institution shall take all precautionary measures to ensure that the conducting of examinations in its premises shall be in a free, fair, and transparent manner. It shall not tolerate any malpractice, copying, use of prohibited material, impersonation, or any irregularity. The Petitioner - Institution shall cooperate with all inspections, flying squads, and surprise checks; and it shall promptly report any suspicious activity to the center in charge and the board authority. The undertaking shall further state that the Petitioner Institution shall adopt appropriate mechanisms as directed by the board to ensure that there shall be no such incident occurring in the future. The Affidavit of Undertaking shall be filed by the Petitioner - Institution within a period of one week from today, viz. on or before

21st October 2026.

28. The directions issued to the authorities by the Aurangabad Bench, including as to the precautions to be facilitated by the examination center, shall equally apply to the present Petitioner - Institution. Further, the action to be taken by the authorities in closing down the center shall strictly adhere to the governing standards of the regulations, including issuance of detailed Show Cause Notice specifying the allegations and material relied upon, furnishing of relevant documents to the concerned Institution as permissible in law; granting the Institution reasonable time to respond and providing a meaningful personal hearing before the inquiring committee, and passing reasoned order demonstrating application of mind and proportionally. The decision shall take into consideration the Reply of the Institution to the Show Cause Notice, and further that the decision shall be communicated within prescribed timelines so that the students and administration are well aware of the decision taken before further examinations are held.

29. Accordingly, the Petition is allowed and following order is passed:

(i) The Respondents are directed to restore the examination center in the Petitioner - Institution for the purpose of conducting 12th standard / Higher Secondary Certificate (HSC) examination at the Petitioner – Institution at Janta Vidhyalay and Junior College, Abhona, Taluka : Kalvan, District : Nashik. This shall include the ensuing examinations scheduled from February 2027.

(ii) This shall be subject to undertaking furnished by the Petitioner - Institution by way of Affidavit to be filed within a period of one week from today viz. on or before 21st October 2026.

(iii) The impugned Order dated 23rd January 2026 passed by Respondent no. 5 is accordingly quashed and set aside.

(iv) The Writ Petition is accordingly disposed of in the above terms. However, there shall be no order as to costs.

[FIRDOSH P. POONIWALLA, J.] [R.I. CHAGLA, J.]