

(2008) 01 AHC CK 0248

Allahabad High Court

Case No: C.M.W.P. No. 1022 of 2008

Committee of Management,
Vijendra Adarsh Bal Inter
College.

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision: Jan. 8, 2008

Citation: (2008) 6 AWC 5983

Hon'ble Judges: Rakesh Tiwari, J

Bench: Single Bench

Advocate: S.K. Mishra, for the Appellant;

Final Decision: Dismissed

Judgement

Rakesh Tiwari, J.

Heard counsel for the parties and perused the record.

2. The Petitioner institution was allotted examination centre for the purposes of conducting High School and Intermediate Examination for the years 2004-05, 2005-06 and 2006-07. However, it has not been made examination centre for the session 2007-08.

3. Aggrieved the Petitioner has come up in this writ petition praying for issuance of a writ, order or direction in the nature of mandamus directing the Respondents to include the Petitioner institution Vijendra Adarsh Bal Inter College, Chamari Hapur, district Ghaziabad in the list of Institutions of district Ghaziabad allotted/recognized as centres for conducting High School and Intermediate Examination, 2007-08 of Madhyamik Shiksha Parishad, U. P.

4. The ground taken in the writ petition is that several institutions which according to the Petitioner do not fulfil the conditions of being allotted as the centres for conducting the High School and Intermediate Examination, have been recognised as centres of U. P. Board Examination, 2007-08 as Mahavir Jain Higher Secondary

School Kastala is one such college whereas the Petitioner's institution which fulfils all the conditions and guidelines in the Government order dated 5.10.2007 has not been made examination centre and has not been included in the list of approved institutions.

5. In short, the Petitioner has pleaded discrimination by the State Government in allotting the college/ institution as centre by the Madhyamik Shiksha Parishad, U. P., Allahabad. The act of the Government is further assailed on the ground that the Petitioner's institution has been made centre for holding High School and Intermediate Examination consecutively for 3 sessions, i.e., 2004-05, 2005-06 and 2006-07 and there had never been any complaint against it but it has been de-listed without giving any opportunity of hearing to it.

6. It is alleged that the act of the Respondents in not including the institution of the Petitioner in the list of institutions recognized as centres for conducting U. P. Board is arbitrary, illegal and not sustainable in the eye of law for the reason that the State Government cannot adopt the method of pick and choose policy in allotting the centre.

7. The examination centres are allotted on the basis of material available with the Madhyamik Shiksha Parishad, U. P., Allahabad and number of candidates required to be accommodated. It is the discretion of the authority to allot the examination centre according to the norms. The only rider is that pick and choose policy should not be adopted by the authority while allotting the examination centre.

8. The Petitioner has alleged that his institution has been discriminated but no material has been brought on record by the Petitioner institution to show that it has not been made examination centre for holding examination of High School and Intermediate Examination. Only bald allegations have been made that one Mahavir Jain Higher Secondary School Kastala has been allotted examination centre whereas the Petitioner's institution which fulfils the necessary conditions has been deprived of the status of examination centre for conducting High School and Intermediate Examination. There is no material before this Court to come to the conclusion that there is any discrimination between the Petitioner's institution and Mahavir Jain Higher Secondary School, Kastala as alleged.

9. In so far as the students of the Petitioner's institution are concerned, they have been allotted examination centre for appearing in the High School and Intermediate Examination and the Petitioner cannot as a matter of right claim that it should be made as examination centre. Mere bald allegations will not substantiate the claim of the Petitioner and cannot be taken cognizance thereof.

10. Merely because the Petitioner's institution has been allotted examination centre for some period of time does not vest any legal right. It is upon the authorities to see the requirement of the examination and allot the examination centre to the students for appearing in the U. P. Board Examination.

11. For these reasons, the writ petition is accordingly, dismissed. No order as to costs.