

GAHC010164002022



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5429/2022

ARFAN AZAM
REP. BY HIS NATURAL GUARDIAN (FATHER) MONTAZ ALI.
PERMANENT R/O-
VILL- BELTARI,
P.O- RANIGANJ,
P.S- SAPATGRAM, PIN-783345,
DIST- DHUBRI, ASSAM,

PRESENTLY RESIDING AT-
VILL GOROIMARI, TUKRAPARA,
P.O- AND P.S- CHHAYGAON, PIN-781123,
DIST- KAMRUP (R), ASSAM

VERSUS

THE UNION OF INDIA AND 3 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF EDUCATION, NEW DELHI, PIN-110001

2:NAVODAYA VIDYALAYA SAMITI
REPRESENTED BY THE COMMISSIONER 124C
SHASTRI BHAWAN
NEW DELHI
PIN-110001

3:THE DEPUTY COMMISSIONER
REGIONAL OFFICE
NAVODAYA VIDYALAYA SAMITI
SHILONG
BARIK POINT
TEMPLE ROAD
LOWER LACHUMIERE
SHILLONG
PIN-793001

MEGHALAYA

4:THE PRINCIPAL
JAWAHAR NAVADAYA VIDYALAYA
KAMRUP
RANGIA

P.O- JAMTOLA
DIST- KAMRUP (R)
ASSAM
PIN-78136

Advocate for the Petitioner : MR. M H ANSARI

Advocate for the Respondent : ASSTT.S.G.I.

B E F O R E
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

06-02-2023

Heard Mr. M.H. Ansari, learned counsel for the petitioner. Also heard Ms. R.S. Chowdhury, learned Standing Counsel, JNV for Respondents No.2, 3 and 4.

The petitioner is the natural guardian of his son Arfan Azam, aged about 14 years, who is seeking admission in Class-IX of Jawahar Navodaya Vidyalaya, Kamrup, Rangia. Pursuant to an advertisement for admission in vacant seats in Class-IX for the Sessions 2022-23, the son of the petitioner applied for admission in Class-IX in the Jawahar Navodaya Vidyalaya, Kamrup, Rangia. The petitioner's son was selected for admission in Class-IX for the Sessions 2022-2023 and his name appeared under the Rural Unreserved Seat at Serial No.2 bearing Roll No.110667. During the course of scrutiny of the papers of the petitioner's son, the

concerned JNV found the son of the petitioner not eligible and his case was rejected for admission in JNV, Kamrup, Rangia and, therefore, being aggrieved, the petitioner is before this Court.

The respondents have filed their counter affidavit and therein it is stated that the son of the petitioner was born in Dhubri District and his parents still resides in the same district. However, as the son of the petitioner used to live with his maternal uncle at Goroimari, which is in the District of Kamrup (Rural), Assam and his birth certificate also shows that the permanent address of the petitioner's son is Dhubri, his case was rejected with regard to the residential status as he did not belong to the same District wherein the JNV, Rangia is situated.

Ms. Choudhury, learned Standing Counsel, JNV has also placed the instructions received by her dated 01.02.2023 and the relevant portion reads as under :

“ In this connection, it is informed that the admission in Class IX in JNVs through LEST is for the vacancies arising out of admitted students in class VI and district specific merit list is prepared. Hence, the same criteria of residence in the same district is applicable for admission in class IX also.”

The eligibility criteria for admission to JNV is indicated at Instruction No.8, which provides for eligibility to admission to JNV and the relevant portion thereof is extracted herein below :

“8.0 ELIGIBILITY

8.1 Only those candidates who are studying Class VIII during the Academic Session 2021-22 in one of the Govt./ Govt. recognized schools of the district where the Jawahar

Navodaya Vidyalaya is functioning and where admission is sought, are eligible.

8.2 Candidate appearing for the admission test must qualify/pass Class VIII in the academic session 2021-22 from a Govt./Govt. recognized school in the district where he/she is seeking admission. The students who have already passed class VIII in previous academic sessions are not eligible.”

This Court has considered the rural certificate issued to the son of the petitioner, namely Arfan Azam by the Circle Officer, Goroimary Revenue Circle, which indicates that the son of the petitioner studied in Class VIII in Adarsa Asom Jatiya Vidyalaya, Goroimari, Block-Chayygaon, which belongs to rural area of District-Kamrup, State-Assam. A perusal of the eligibility criteria provided by the JNV for admission to Class-IX for the Session 2022-23 against vacancies clearly indicates that a candidate should be studying in Class-VIII during the academic Session 2021-22 in one of the Government/ Government recognized schools of the district where the Jawahar Navodaya Vidyalaya is functioning and where the admission is sought.

The Rural Certificate issued by the Circle Officer, Goroimari Revenue Circle, clearly indicates that the petitioner's son was studying in Class-VIII in Adarsa Asom Jatiya Vidyalaya, Goroimari, which is located in the rural area of District- Kamrup (Rural). On perusal of the eligibility criteria and the rural certificate issued by the Circle Officer, Goroimary Revenue Circle, clearly indicates that the petitioner's son studied in Govt/Govt. recognized school in the District where the concerned JNV is functioning and the

petitioner's son has sought for admission in the said JNV. Therefore, this Court is of the considered opinion that grave injustice has been caused to the son of the petitioner by denying him admission in Class-IX for the Session 2022-2023.

Accordingly, the authorities of the concerned JNV is directed to admit the son of the petitioner, namely Arfan Azam to Class-IX for the Session 2022-2023 in the Jawahar Navodaya Vidyalaya, Kamrup, Rangia, within a period of two weeks from the date of receipt of a copy of the order of this Court.

With the aforesaid observation and direction, this writ petition stands disposed of.

JUDGE

Comparing Assistant