

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23809 of 2018

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Ankit Kumar (Minor), son of Sri Rajendra Prasad Singh, resident of Rani Bamia, P.O. and P.S. Pathakdih, district-Bhagalpur, through his natural guardian and mother Smt. Pinki Devi

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Human Resource Department (Department of Education), Govt. of India at New Delhi
2. The Principal Jawahar Navodaya Vidyalaya, Nagarpara, District-Bhagalpur.
3. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Patna
4. The Director Primary Education, Department of Education, Govt. of Bihar, Patna
5. The District Education Officer, Bhagalpur.
6. The Block Education Officer, Sanhaura, Bhagalpur
7. The Principal, Himalayan Academy, Shiv Mandir Complex, Sanhoula, Bhagalpur, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Diwakar Upadhyaya
For the State	:	Mr. Prabhakar Jha -GP-27
		Mr. Shankar Kumar Thakur, AC to GP 27

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-12-2018 Heard the learned counsel for the parties.

The petitioner, being the minor, had applied for admission in Jawahar Navodaya Vidyalaya, Nagarpara, Bhagalpur. He is said to have qualified in the written test for admission. Clause 2.2. of the prospectus of Jawahar Navodaya Vidyalaya Selection Test, 2017, issued by the Navodya Vidyalaya Samiti, required that the application form must be signed by the Head of the recognized school, where the child was studying in Class-V. The petitioner had submitted the



application, duly signed by the Head of the school, where he was studying in Class-V. Even the petitioner does not dispute that the school, where he was studying in Class-V, was not recognized.

It seems that as the petitioner was not found to be studying in a recognized school and there was requirement of application form being signed by the Head of the recognized school, where a candidate/child was studying in Class-V, the petitioner's candidature for admission has been rejected.

Learned counsel, appearing on behalf of the petitioner, however, submits that under the Right of Children to Free and Compulsory Education Act, 2009, every school imparting education upto Class-VI has to be recognized. Referring to Section 18 of the Act, learned counsel for the petitioner contends that sub section 5 thereof prescribes for a fine in case a school is found to be running without recognition.

On perusal of the prospectus, I find that for securing admission in Navodaya Vidyalaya, an application to be submitted by the prospective candidate must be signed by the Head of the recognized institution, where the said candidate was studying. In the absence of any dispute that the school, in question, was not recognized where the petitioner was studying



in Class-V, this Court cannot issue any direction to Jawahar Navodaya Vidyalaya to admit the petitioner, contrary to the requirement under Clause 2.2. of the prospectus. The relief, as sought for, cannot be granted.

This writ application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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