

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 10884 OF 2018

Shubham s/o Namdev Ghuge
age 11 years, occ. education
Through his natural guardian father
Shri Namdev s/o Narsanna Ghuge
age 37 years, occ. service
r/o Omerga(Ritu), Post Chera
Tq. Jalkot, Dist. Latur
At present r/o Morwad, Tq. Kalamnuri
Dist. Hingoli

Petitioner

Versus

1. The Union of India
Through Navodaya Vidyalaya Samittee
New Delhi, An Autonomous
Organization Under Ministry of Human
Resources Development, (Deptt. of School
Education and literacy)
Government of India.
2. The State of Maharashtra
Through Deputy Commissioner,
Navodaya Vidyalaya Samittee,
Regional Office, Pune.
3. The Principal
Jawahar Navodaya Vidyalaya
Latur, Tq. & Dist. Latur.

Respondents

Mr. S.V. Munde, advocate for petitioner.
Mr. D.R. Kale, AGP for respondent no. 2.
Mr. Ravi Bangar, advocate for respondents 1 and 3.

**CORAM : R.M.BORDE AND
MANGESH S. PATIL, JJ.
DATE : 16th October, 2018.**

JUDGMENT : (Per R.M. Borde, J.)

1. Rule. Rule made returnable forthwith.
2. Heard finally at admission stage with the consent of learned counsel for the respective parties.
3. While issuing notice on 28.09.2018, respondents were directed to keep one seat available for the petitioner. Petitioner has applied for admission to Navodaya Vidyalaya. In the application form tendered by petitioner he has informed that he belongs to OBC category and hails from rural area. Petitioner hails from village Omerga, Tq. Jalkot, Dist. Latur. Petitioner has completed 5th standard schooling from Zilla Parishad Primary School at Morwad, Dist. Hingoli. On consideration of application form, petitioner was issued admit card assigning him Latur district. Name of petitioner appears at serial no. 39 out of 80 selected candidates in the list of selected candidates. Petitioner is denied admission on the ground that he has completed 5th standard from a school located in Hingoli district whereas his name appears in the list of selected candidates in Latur district.
4. Rules of admission for Navodaya Vidyalaya have been framed wherein it has been prescribed under Rule 4.a that only the candidates from the district concerned where the Jawahar Navodaya Vidyalaya has been opened are eligible to apply for admission. Since petitioner hails from Latur district he is eligible to apply for admission in Latur district. In order to deny admission to petitioner, reliance has been placed on Rule 4.c which provides that a candidate appearing for the selection test must be studying in Class-V for the whole of the academic session 2017-18 in a

Government/Government aided or other recognized schools of 'B' certificate competency course of National Institute of Open Schooling in the same district where he/she is seeking admission. In the case of petitioner, he has completed 5th standard schooling in a school located in Hingoli district whereas he has been assigned admit card by the respondent-authorities for the purpose of securing admission for Latur district. Petitioner is neither being considered for admission from Latur nor Hingoli districts. The action of respondents is prima facie arbitrary.

5. In these circumstances, we direct respondents to admit petitioner to Navodaya Vidyalaya, Latur on considering his placement in the select list published by the authorities. With the directions as above, writ petition stands disposed of. Rule made absolute accordingly. No costs.

MANGESH S. PATIL
JUDGE

R.M.BORDE
JUDGE

dyb