

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.28170 OF 2018

O R D E R

As per cause title, 1st petitioner is the minor and he is represented by the 2nd petitioner, who is his father and natural guardian. In the affidavit filed in support of the writ petition it is stated that 1st petitioner applied for admission into 6th class in the 3rd respondent - Javahar Navodaya Vidyalaya, Anantapuramu for the academic year 2018-19 under the 'urban category'. The case of the petitioners is that there would be 80 seats in the 6th class and out of the said seats, 75% i.e., 60 seats are earmarked for rural area candidates and 25% i.e., 20 seats are earmarked for urban candidates. The further case of the petitioners, is that in the admit card / hall ticket, 1st petitioner was shown to have applied under 'rural category' and that when the said discrepancy was brought to the notice of the authorities, they stated that, it would not hamper the selection of the 1st petitioner. 1st petitioner fared well in the entrance examination and during the process of certificates verification, he was called to submit certificate showing proof that he studied in the school in rural area, as his admit card shows that he appeared under 'rural category'. The case of the petitioners is that showing the petitioner No.1 as rural category candidate, is the mistake of the 3rd respondent and hence, he cannot be faulted and the further grievance of the petitioners is that though the 1st petitioner fared well in the written examination he is

not being considered even under the urban category. Hence, the writ petition.

This court on 08.08.2018 granted interim order to reserve one seat for the petitioner No.1, for a limited period and the same was extended from time to time.

The Principal of the 3rd respondent – Jawahar Navodaya Vidyalaya, Lepakshi, Anantapur District, filed counter affidavit and stated *inter alia* that the 1st petitioner applied stating that he belongs to OBC category under 'urban area', but however at the time of uploading by Common Service Centre (CSC), at New Delhi, his case was mentioned as 'rural area' and accordingly allotted roll number and now he is selected under 'rural open category'. However, as he belongs to urban category, his case cannot be considered under rural quota for admission as per admission guidelines of NVC in vogue. Therefore, his admission was kept in abeyance till further guidelines from NVS headquarters for consideration of his selection under urban quota, if otherwise selected based on his merit and till such time, one seat shall be kept as reserved in his favour. It is stated that on 08.09.2018, 3rd respondent received final list and cut off marks in the urban category is 92 marks, whereas the petitioner No.1 secured 88 marks, therefore, his case cannot be considered for admission. It is further stated that till 08.08.2018, four students, who were selected under urban category, did not turn up for verification of their documents

and not admitted in the vidyala and that if the marks secured by the petitioner No.1 comes under urban category, which is to be finalized by CBSE, New Delhi, then he can be given admission. It is stated that entire process of admission would take around two months and the 3rd respondent will get a wait lists after the first round of admission is completed. In the selected list sent by CBSE for the academic year 2018-19, this respondent has not given the admission to total 11 students and one among them is the petitioner No.1. With these averments, the writ petition is sought to be dismissed.

Heard the learned counsel for the petitioners and Sri K.Lakshman, learned Assistant Solicitor General for the 1st respondent – Union of India and Sri Srinadha Rao Nama, learned Standing Counsel for respondents 2 and 3.

From the above averments made in the affidavit filed in support of the writ petitioner and in the counter affidavit, the admitted fact is that the mistake in showing the petitioner No.1 as 'rural category candidate' crept in while uploading his particulars by Common Service Centre (SCS) centre at New Delhi. However, under the urban category, petitioner No.1 is stated to have secured 88 marks in the written examination and the cut off marks under the said category is 92 marks. As per the averments made in the counter affidavit, four candidates who have come up for consideration in the merit, were stated to have not turned up for

certificate verification and they were not admitted. It is further stated that in the selected list sent by CBSE for the academic year 2018-19, 3rd respondent has not given admission to total eleven students and petitioner No.1 is one among them and the entire process of admission would take a further period of about two months.

In view of these facts and circumstances, writ petition is disposed of directing the 2nd and 3rd respondents to fill up the seats based on merit in the written examination and if the petitioner No.1 comes up within the zone of consideration based on his merit, his case shall be considered in accordance with law, for admission into the 6th class in the 3rd respondent – school, under the urban category.

In view of disposal of writ petition, interim order merges with the final order.

Interlocutory applications pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:01—10—2018

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