

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.33396 of 2018

ORDER:

This writ petition is filed challenging the proceedings dated 03-09-2018 issued by the 1st respondent, wherein and whereby, the petitioner's admission to class VI in the 1st respondent-school is cancelled on the ground that the petitioner has not submitted the school recognition even though admittedly he studied upto V class in the 3rd respondent-school which was allowed to run by the 2nd respondent and even though the petitioner appeared for the entrance examination. It is stated that the petitioner was not only qualified but also got sufficient merit for admission into class VI in the 1st respondent-school. It is also stated that the petitioner studied V class in the 3rd respondent-school during the academic year 2017-18 and while studying in the 3rd respondent-school, the petitioner applied online seeking admission into the 1st respondent-school for class VI for the academic year 2018-19 following the procedure prescribed in the notification issued by the 1st respondent during November, 2017. As part of filling up the form in pursuance of the notification, the petitioner selected the 3rd respondent-school among other schools included in the dropdown box provided online by the 1st respondent-school to state the in which school the incumbent is studying. It is stated that the 1st respondent include only recognized schools in the dropdown box provided online for necessitating incumbents who seeks admission into

1st respondent-school to fill up the form online and the 1st respondent does not include those schools which have no recognition at all as the 1st respondent gives admission to those who study in recognized schools only. Subsequently, the written test was conducted on 21-04-2018 for those who applied online seeking admission into class VI in the 1st respondent-school and the results were declared by the 1st respondent on 18-07-2018. Subsequently, the petitioner received telephone call from the 1st respondent declaring he was selected for admission into class VI in the 1st respondent-school and as per the procedure the petitioner is required to come to the 1st respondent school at Veluru Village, Bapulapadu Mandal, Krishna District to collect the bio-data form to be filled up for submission of the 1st respondent-school along with required certifications from concerned authorities viz., school authorities certifying that individual studied up to class V, apart from residence certificate. Accordingly, the petitioner went to the 1st respondent-school and collected the documents and subsequently filled up the form in all respects duly enclosing relevant certificates as stated above and submitted personally at the 1st respondent-school on 05-08-2018. At the time of submitting the documents by the petitioner at the 1st respondent-school on 05-08-2018 in pursuance of the procedure prescribed by the 1st respondent-school for seeking admission into class VI in their school, the 1st respondent noticed that the recognition pertaining to 3rd respondent –school is missing and asked the

petitioner to submit the recognition certificate pertaining to the 3rd respondent school for the academic year 2017-18 during which period the petitioner studied class V. The 3rd respondent gave recognition certificate issued by Regional Joint Director of School Education, Kakinada in proceedings dated 25-07-2007, wherein the recognition is issued only from the academic year 2006-07 to 2016-17 apart from giving proposals sent by the 3rd respondent to the competent authority for seeking recognition of the school which was subsequently returned back, but the 1st respondent requires the recognition certificate for the academic year 2017-18 during which period the petitioner studied class V in the 3rd respondent-school. It is further stated that the 2nd respondent directed the 3rd respondent vide proceedings dated 11-06-2018 to close down the school by 11-06-2018 as the 3rd respondent neither submitted explanation for not sending proposals seeking recognition of the school nor sent proposals for renewal of the recognition. In the said circumstances, the 1st respondent school cancelled the admission to the petitioner in their school on the ground that he has not submitted school recognition certificate where the petitioner studied class V during 2017-18 till date as per the admission criteria fixed by the 1st respondent-school and that the admission process of selection list is closed. Aggrieved by the same, the present writ petition is filed.

Counter affidavit is filed by the 1st respondent stating that JNVST 2018, the 1st respondent school received as many as 4996 applications from students and one among them is the

petitioner. The petitioner has submitted his application to the JNV entrance Test-2018 in pursuance of notification issued by NVS through online from common service centre for admission to class VI by obtaining a certificate from “ St. Jones English Medium High School, Dum Dum Gardens, Nuzvid, Krishna District” i.e. 3rd respondent and he was provisionally selected in the entrance examination. As per the application from submitted by the petitioner, he studied class III, IV and during the academic year 2016-2016, 2016-2017 and 2017-2018 in the 3rd respondent-school and it was having valid recognition for all the three academic years, which is mandatory as per the norms of the samithi. As per the norms of the samithi, a candidate seeking admission must have studied and passed classes III, IV and V from a Government/Government aided/recognized school spending one full academic session each year in a school. After receipt of selection list from CBSE, this respondent had issued call letter to the petitioner asking him to present for document verification. On verification of the record, it was revealed that the petitioner studied III, IV, V class in the 3rd respondent-school, however said school does not have recognition for the academic year 2017-2018, during which time he studied V class. The said school was having recognition of Government of Andhra Pradesh upto the academic year 2016-17 only, whereas as per the eligibility criteria for admission as mentioned at clause 4 (C) of the prospectus of class VI admission “ A candidate appearing for the selection test must be studying in class V for the whole of

academic session 2017-18 in a Government/Government Aided or other recognized school or “B” Certificate competency Course of National Institute of Opening Schooling in the same district where he/she is seeking admission. A candidate must successfully complete class V in the selection 2017-18. Actual admission in class VI for the session 2018-19 will be subject to this condition.” Whereas the 3rd respondent school has no recognition during 2017-18. Therefore, the petitioner is not eligible for admission into class VI for the academic year 2018-19 in this school, though he is qualified through the test as per the rules of NVS. However, the Admission Certificate gave a reasonable opportunity to the petitioner upto 02-09-2018 for getting recognition certificate of 3rd respondent-school for giving admission to him into class VI. As the petitioner failed to produce the same, the provisional selection of the petitioner was cancelled as per the recommendations of Admission Committee. However, keeping in view of interim granted by this Court, a seat was kept vacant.

Heard learned counsel for the petitioner, who submits that petitioner studied in the 3rd respondent-school and after IV class in the year 2016-17 the 3rd respondent has recognition, for 2017-18 during period which petitioner studied V Class the 3rd respondent did not have recognition and it is not the fault of the petitioner and having selected the petitioner and granted provisional admission, the respondents cannot cancel the admission of the petitioner on the ground that the 3rd respondent-school do not have recognition.

On the other hand, ,learned Standing Counsel for the 1st respondent submits that as per clause 4 (C) of guidelines petitioner have to study V class in any recognized school/Government aided school or other recognized school. Admittedly the 3rd respondent does have recognition even as per the case of the petitioner and they cannot relax the said condition and as several persons who do not study in recognized schools will come forward with same plea.

In this rule 4 (C) of guidelines of Navodaya Vidyalaya Samiti Prospectus for Jawahar Navodaya Vidyalaya Selection Test-218 regarding eligibility reads as under:

“ 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 school or ‘B’ certificate competency course of National Institute of Open Schooling in the same district where he/she is seeking admission. A school will be deemed recognized if it is declared so by the Government or by any other agency authorized on behalf of Government Schools where students have obtained ‘B’ certificate under National Institute of Open Schooling should have accreditation of NIOS. A candidate must successfully complete Class-V in the session 2017-2018. Actual admission in Class-VI for the session 2018-19 will be subject to this condition.”

Admittedly the 3rd respondent school does not have recognition when the petitioner studied V class in the year 2017-18, but he is not responsible for the same, because he studied IV class in the said school, when the 3rd respondent has recognition, only for V class there is no recognition. But

the fact remains that 1st respondent has to follow prospectus and it should have to take all the care while receiving the applications and verify before conducting any examinations, but same was not done in case of petitioner, since he appeared and got selected. But the fact remains that even if the writ petition is allowed directing the 1st respondent to admit the petitioner, candidate below the petitioner may challenge the same stating that admission of the petitioner is not in accordance with clause 4 (C) of the prospectus. Once the prospectus is issued, it is binding on the 1st respondent. In view of the same, this Court has all the sympathies with the petitioner but unable to grant relief due to reasons stated above.

Accordingly, this writ petition is dismissed. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

08-10-2018
Nvl



