

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2372 of 2021

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Shambhu Sharan Kumar, S/o Sri Chandrika Singh, At present R/o Sarmera Kothi, Opp. Maa Sarda Complex, Near Mangal Chowk, Khemnichak, P.s. Ramkrishna Nagar, District-Patna. Permanent R/o Village Kochgawan, P.S. Warisaliganj, Dist. Nawada.

... .. Petitioner/s

Versus

1. Union of India, through the Cabinet Secretary, Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.
2. The Secretary, Department of School Education and Literacy Ministry of Education, Government of India.
3. National Testing Agency Through The Joint Secretary, The Ministry of Education, Block C20/1A/8, Sector 62, IITK Outreach Centre, Gautam Budha Nagar, NOIDA-201309. Email Id -aissee@nta.ac.in
4. The Commissioner (NVS), Navodaya Vidyalaya Samiti, B-15, Institutional Area, Sector 62, NOIDA UP-201307. Email commissioner.nvs@gov.in.
5. The Deputy Commissioner, The Navodaya Vidyalaya Samiti, Karpuri Thakur Sadan, Kendriya Karalay Parisar, Block A & B, 5th Floor, Ashiyana Digha Road, Patna-800025. Email-dcptr.nvs@gov.in

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajit Kumar, Advocate Mr. Dinkar Kumar, Advocate Mr. Shiv Pratap, Advocate Mr. Santosh Kumar, Advocate
For the Respondent/s	:	Mr.Dr.K.N.Singh (ASG) Mr. Satyavrat Verma, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)



Date : 12-07-2021

Petitioner has prayed for the following relief(s):

I. "To issue writ in the nature of certiorari, implementing the EWC category in the ongoing admission selection procedure published in the Web Portal Notification for admission in academic session 2021-22 in respective institutions [All India Sainik Schools and the Jawahar Navodaya Vidyalay] issued by the concerned Respondents, whereby clause for 10% reservation under EWS category is omitted which being absolutely unconstitutional.

II. To issue an writ in the nature of mandamus directing the Respondents to issue fresh admission notification in light of amendment made in Article 15(6) (b) and 16(6) of the constitution of India by (103rd Amendment Act) 2019 and which enables the State to provide the benefits of reservation on preferential basis to the Economically Weaker Sections (EWSs) in civil posts and services in the Government of India and admission in Educational Institutions solely on the basis of economy.

III. To any other relief/reliefs which this Honourable Court may find suitable in the interest of the society & and for providing 10% EWS reservation in admission to school,



without adversely affecting the proportionate seats of SCs, STs and OBCs.”

Having heard learned counsel for the parties, we see no reason to even issue notice in the present petition. Bare reading of the prospectus indicates that the Government itself has taken care of those students who hail from the economically weaker section, also from the reserved category of Scheduled Caste and Scheduled Tribe. 27% reservation stands additionally provided to O.B.C. candidates over and above the quota provided for students hailing from S.C./S.T. category. The prospectus itself clarifies that the O.B.C. is not included in the list as ‘general’ category candidates.

Our attention is invited to the provision of Article 15(6) of the Constitution of India.

Well, no right of the student can be said to have been flown through the said Article, more so in the absence of any legislation/policy in place. The petitioner, who claims to be a public spirited person, can highlight the issue, if any, with the appropriate authority for we do not find the prospectus issued for admission into the All India Sainik Schools and Jawahar Navodaya Schools for the academic sessions 2020-2021 and 2021-2022, in any manner, to be repugnant to the



provisions of Constitution of India or any Statute.

Also how the action is in violation of the decision rendered by the Hon’ble the Apex Court in (2002) 8 SCC 481 (T.M.A.Pai Foundation & Ors. vs State Of Karnataka & Ors), is not clearly made out in the petition.

As such, we dispose of the present petition, reserving liberty to the petitioner to highlight the issue, if any, before the appropriate forum.

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-

AFR/NAFR	
CAV DATE	
Uploading Date	16.07.2021
Transmission Date	

