

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 4915 of 2021**

1. Minor Chitranjan Dugga S/o Punau Ram Dugga Aged About 11 Years Being Minor Through Father Punau Ram Dugga, Aged About 44 Years, S/o Late Mr. Pandi Ram Dugga, R/o Village Ghumar, Post Kanagaon, Tehsil Antagarh, District Uttar Bastar (Kanker) Chhattisgarh
---- **Petitioner**

Versus

1. Union Of India Through Its Secretary Department Of School And Literacy IS 3 Section Room No. 407-C, Shastri Bhawan, New Delhi
2. Jawahar Navodaya Vidyalaya Through Its Principal, Jawahar Navodaya Vidyalaya, Karap, District Kanker Chhattisgarh

----Respondents

For Petitioner	:	Mr. Parag Kotecha, Advocate.
For Union of India	:	Mr. Tushar Dhar Diwan, Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09.12.2021**

1. The grievance of the petitioner seems to be the cancellation of the temporary admission which was granted by the respondent No. 2 to the petitioner for studies for class-VI under the respondent No. 2.
2. The reason for cancellation of the admission is on the ground that the petitioner had applied for admission showing himself to be a student coming from the rural background, whereas the petitioner was studying in an urban area as has been reflected from the finding given in the impugned order. The counsel for the petitioner submits that his parents have inadvertently committed the mistake as they come from a small village known as Antagarh, which according to them is a rural area, but for the purpose of grant of admission the same is considered to be an

urban area which was a bonafide error on the part of the parents and there is no malafides on their part so far as claiming for an admission is concerned.

3. The contention of the petitioner further is that even otherwise cancellation of the admission given to the petitioner would now leave the said seat vacant and which would remain vacant for the rest of the year which would not be either in the interest of the respondent No. 2 nor would be in the interest of the petitioner. Therefore, condoning the fault on part of the petitioner and as a special case, the respondents authorities may consider granting the petitioner an admission against the seat which lies vacant.
4. Counsel appearing for the Union of India submits that there could be a possibility where the respondents may have candidates from the rural background and whose right may have got prejudiced by virtue of the admission given to the petitioner.
5. Be that as it may, considering the request that the petitioner has made seeking a permission to approach the respondent No. 2 by way of an appeal/representation for reconsideration of their decision dated 15.11.2021, the writ petition at this juncture stands disposed of permitting the petitioner to approach the respondent No. 2 within a period of 7 days from the date of receipt of copy of this order. The respondent No. 2 in-turn may consider the same on its own policy and instructions governing the field of admission, particularly taking into consideration the contention which the petitioner has made and also taking note of the entire matter sympathetically because it is a matter

relating to the admission and studies of a child. Let an appropriate decision be taken by the respondent No. 2 within a further period of 30 days from the date of receipt of representation of the petitioner.

6. The present writ petition accordingly stands disposed of.

**Sd/-
P. Sam Koshy
Judge**