

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.467 of 2023
In
Civil Writ Jurisdiction Case No.502 of 2023

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1. The Navodaya Vidyalaya Samiti through Chairman, B- 15, Institutional Area, Sector - 62, Noida, Uttar Pradesh 201307.
 2. Chairman, Navodaya Vidyalaya Samiti, B- 15, Institutional Area, Sector - 62, Noida, Uttar Pradesh 201307.
 3. Jawahar Navodaya Vidyalaya, Jamui through its Principal, Village and Post - Barhat, District - Jamui, Bihar.
 4. Principal, Jawahar Navodaya Vidyalaya, Village and Post - Barhat, District - Jamui, Bihar.

... .. Appellant/s

Versus

1. Paramjeet Kumar (Minor) Son of Labhesh Kumar through his Guardian Labhesh Kumar Son of Satyendra Mahto, Resident of Manakoul, Ward no. 7, P.S. - Belchhi, District - Sheikhpura, Bihar.
2. Sanjam Vatsa, (Minor) Son of Amit Kumar through his Guardian Amit Kumar Resident of Village - Lohan, P.S. Lohan, District - Sheikhpura, Bihar.
3. Parniti (Minor), Son of Lal Gopesh through herGuardian Lal Gopesh, Son of Mundrika Yadav Resident of Ward- 05, Makdumpur, Sheikhpura, Bihar.
4. The Union of India through Secretary, Department of School Education and Literacy, Ministry of Education, Government of India.
5. The Secrerary, Department of School Education and Literacy, Ministry of Education, Government of India.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Dr. K.N. Singh, Sr. Advocate Mr. Siddhartha Prasad Mr. Sunit Kumar, Advocate
For the Respondent/s	:	Mr.Prince Kumar Mishra, Advocate Mr. Vikas Kumar Jha, Advocate Mr. Rahul Kumar Singh, Advocate



CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 06-07-2023

Heard learned counsel for the respective parties.

2. In the instant Letters Patent Appeal, the appellants-Navodaya Vidyalaya Samiti have assailed the order of the learned Single Judge dated 25.02.2023 passed in CWJC No. 502 of 2023.

3. Gist of the *lis* is whether respondents-Paramjeet Kumar, Sanyam Vatsa and Parniti were all minors and they are entitled to admission to Jawahar Navodaya Vidyalaya at Barahat, District-Jamui for sixth standard or not?

4. Undisputedly, they were candidates for admission to sixth standard. Their claim for admission was declined by the appellants-Navodaya Vidyalaya Samiti on the score that candidates were not resident of Jamui district and their residence is Sheikhpura district. On the other hand, factual aspect of the matter is that respondents-minors were studying and resident of Jamui district and their parents were residing at Shekhpora. In this backdrop, question for consideration was whether respondents-candidates' residence is required to be determined with reference to their parents' residence or place of studying.



5. The learned Single judge after analyzing factual aspect of the matter is of the view that candidates' residence is required to be taken note of and not the parents. He has also distinguished the decision of the Bombay High Court rendered in the case of **Commissioner of Income Tax vs. Thana Electricity Supply Ltd.** reported in **1993 SCC online Bom. 591.**

6. In this backdrop, the respondents-candidates have been admitted to sixth standard in Jawahar Navodaya Vidyalaya at Barahat, District-Jamui by virtue of judicial pronouncements. Having regard to their admission and they are studying in sixth standard in Jawahar Navodaya Vidyalaya at Barahat, Jamui District it is not appropriate to displace/disturb their admission at this juncture. It is also reliably learnt that policy decision in respect of admission of students to Jawahar Navodaya Vidyalaya is stated to have been modified and fresh policy decision has been taken insofar as identification of candidates/parents read with place of residence. Therefore, it is not necessary to interfere with the order of the learned Single Judge dated 25.02.2023 passed in CWJC No. 502 of 2023. Accordingly, the present Letters Patent Appeal No. 467 of 2023 stands disposed off.

7. The order of the learned Single Judge would not be a precedent for the year 2022-23 in respect of other candidates



whose claim is stated to have been declined since they are not party to the *lis*.

(P. B. Bajanthri, J)

(Jitendra Kumar, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

