

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.901 of 2023

In
Civil Writ Jurisdiction Case No.339 of 2023

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Ankit Kumar (Minor) S/o Sri Manoj Kumar Sah R/o Village - Khajuri, P.S.-
Bhargama, District- Araria under guardianship of his father.

... .. Petitioner/s

Versus

1. Sri Vinayak Garg, the Commissioner, Jawahar Navodaya Vidyalaya Samiti,
Under the Ministry of Education, Department of School Education and
Literacy, Govt. of India.
2. Sri C. Haribabu, the Deputy Commissioner, Jawaharlal Navodaya Vidyalaya
Samiti- cum Member, Executive Committee, Jawaharlal Navodaya
Vidyalaya Samiti, under the Ministry of Education, Department of School
Education and Literacy, Govt. of India.
3. Sri Shyam Bihari Meena, the Collector, District- Madhepura.
4. Sri Ajoy Kumar Choudhary, the Principal, Jawahar Navodaya Vidyalaya,
Sukhasan, District Madhepura (Bihar).

... .. Opposite Party/s

with

Miscellaneous Jurisdiction Case No. 925 of 2023

In
Civil Writ Jurisdiction Case No.450 of 2023

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1. Tanmay Anand (Minor) through his natural guardian and father Sudhir
Kumar Sudhanshu, son of Late Janardan Prasad, resident of Phulkaha, P.O.-
Jadiya, P.S.-Jadiya, District-Supaul.
 2. Ashish Kumar Anand (Minor) through his natural guardian and father
Mahendra Prasad Yadav, resident of Village-Gelhiya, P.S.-Pipra, District-
Supaul.
 3. Sujit Bharti (Minor) through his natural guardian and father Sunil Kumar
Bharti, son of Raghunandan Mehta, Resident of Village-Jadiya, P.O.-Jadiya,
P.S.-Jadiya, District-Supaul.
 4. Babu Saheb (Minor) through his natural guardian and father Arun Kumar,
son of Madho Sah, resident of Barsem, P.S.-Basnahi, District-Saharsa.
 5. Gaurav Anand (Minor) through his natural guardian and father Ajay Kumar
Yadav, son of Kapileshwar Prasad Yadav, resident of Village and P.O.-
Manga Sihaul, P.S.-Marauna, District-Supaul.
 6. Kaushal Kumar (minor) through his natural guardian and father Subhash
Yadav, son of Sukhdeo Yadav, resident of Village-Pairwaha, P.S.-Jadiya,
District-Supaul.
 7. Ruchi Kumari (Minor) through her natural guardian and father Anmol
Kumar, son of Chit Narain Das, resident of Village-Latauna Uttar, P.S.-
Triveniganj, District-Supaul.



8. Sonam Raj (Minor) through natural guardian and father Vijay Kumar, son of Gopal Yadav, resident of Village and P.O.-Koslipatti, P.S.-Pipra, District-Supaul.
9. Alia Praveen (Minor) through her natural guardian and mother Raunak Praveen, wife of Md. Afroz Khan, resident of Village-Sukhiya, P.S.-Banmankhi, District-Purnea.
10. Jyoti Kumari (Minor) through her natural guardian and father Subhash Chandra Chudhary, son of Late Raghuni Choudhary, Resident of Village-Mankahi, P.O.-Makuna, P.S.-Bihra, District-Saharsa.
11. Aditya Bharti (Minor) through his natural guardian and father Gopal Krishna Bharti, son of Ramdeo Chaupal, resident of Village-Katahi, P.S.-Chhatapur, District-Supaul.

... .. Petitioner/s

Versus

1. Sri Vinay Garg, the Commissioner, Navoday Vidyalaya Samiti, B-15, Institutional Area, Sector-62, NOIDA (Uttar Pradesh).
2. Sri C. Haribabu, the Deputy Commissioner, Navoday Vidyalaya Samiti, Regional Office, Patna having his office at J3GM Plus MQC, Block A and B, Karpoori Thakur Sadan, Ashiyana Digha Road, Patna.
3. Sri Shyam Bihari Meena, the District Magistrate, Madhepura.
4. Sri Siyaram Mandal, the Principal, Jawahar Navoday Vidyalaya, Sukhasan, Madhepura-852128.

... .. Opposite Party/s

Appearance :

(In Miscellaneous Jurisdiction Case No. 901 of 2023)

For the Petitioner/s : Mr. Kundan Kumar Singh- Advocate

For the State : Mr. Rajeev Ranjan-AC to GP-20

(In Miscellaneous Jurisdiction Case No. 925 of 2023)

For the Petitioner/s : Mr. Prashant Sinha

For the Opposite Party/s : Mr. K. N. Singh- Sr. Advocate

Mr. Siddhartha Prasad- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 11-05-2023 Heard learned counsel for the petitioners and Mr.

K. N. Singh, the learned senior counsel for the opposite party no.1 assisted by Mr. Siddhartha Prasad.

The learned counsel for the petitioners submits that the contempt application has been filed alleging violation of



the order dated 25.02.2023 in C.W.J.C. No.450 of 2023 with analogous case.

The learned counsel for the petitioners submits that the petitioners, who were meritorious students, were selected in the school in question based on their merits, but they were not given admission on the ground that their parents are not resident of the District, which necessitated filing of the writ application.

It is next submitted that accordingly, the writ application was disposed of relying on an order dated 25.02.2023 in C.W.J.C. No.502 of 2023 wherein the issue was adjudicated that the sole basis of not allowing the meritorious students' admission in the school on the ground that the parents are not resident of the District was held to be not sustainable. The learned counsel for the petitioners next submits that despite orders of this Court, the students were not given admission.

The learned senior advocate appearing for the opposite party no.1 submits that an L.P.A. No.467 of 2023 has been preferred against the order dated 25.02.2023 in



C.W.J.C. No.502 of 2023. It is next submitted that instruction has been sought from the Commissioner, Navoday Vidyalaya Samiti and he has been advised that admission be given to the students after taking an undertaking that the said admission would be subjected to the result of the L.P.A., on which the Commissioner, Navoday Vidyalaya Samiti has agreed. It is next submitted that the admission of the students will be taken within a fortnight from today.

Considering the submission made by the learned senior counsel for the opposite party no.1, the Court is not inclined to proceed with the contempt application.

The contempt application is thus dismissed.

However, in the event, if the undertaking given to this Court on behalf of the Commissioner, Navoday Vidyalaya Samiti is not adhered to, the petitioners would be at liberty to file a second contempt application.

(Satyavrat Verma, J)

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