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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Decided on: 21st April, 2023*

+ **W.P.(C) 7741/2019**

TANISH PARCHA (MINOR) THROUGH HIS NEXT
FRIEND AND MOTHER JAIVINDRI Petitioner

Through: Mr. Ashok Agarwal, Mr. Manoj
Kumar and Ms. Nishtha Jain,
Advocates.

versus

NAVODAYA VIDYALAYA SAMITI
& ORS Respondents

Through: Mr. S. Rajappa and Mr. R.
Gowri Shankar, Advocates for
R-1 & 3 (Ph. 9810063946,
e-mail: advocaterajappa@gmail.com)

Mr. Anshuman, Sr. Panel
Counsel for UOI/R-2 (Ph.
9953228888, e-mail:
v.n.goyal@gmail.com)

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA
[Physical Hearing/ Hybrid Hearing]

MINI PUSHKARNA, J. (ORAL):

1. In the present case the petitioner child had been denied admission on the ground that the child was studying in New Delhi District, wherein the Jawahar Navodaya Vidyalaya (JNV) Scheme was not applicable. Therefore, he was held as not entitled to admission in Jawahar Navodaya Vidyalaya.

2. It manifests from the record that pursuant to the order dated 15.01.2020, the petitioner was directed to be admitted in the school as an interim relief.

3. Thus, it is seen that petitioner was granted admission in Grade 6 in the Academic Session 2019-20 in the respondent school and has been continuing his studies since then. As of now, the petitioner in question is studying in Class 10th. Thus, it is seen that the child has already spent four Academic Sessions in the respondent school and now being in class 10th, he would be taking the Class 10th CBSE Board Examinations in the current Academic Session i.e. 2023-24. It is to be noted that for CBSE Board Examinations for class 10th, registration is done by the CBSE in previous class i.e. in Class 9th itself. Thus, the petitioner in the present case would also have been registered by the CBSE in Class 9th for the purposes of taking the class 10th Board Examinations to be conducted in the year 2024.

4. In the peculiar facts and circumstances of the case, wherein the petitioner child has been studying in the school since 2019-20, it would not be in the interest of any party to disturb the child at this stage in his pursuit of education.

5. Otherwise also, the present case is covered by the judgment passed in the case of *Sirjeet Kumar Minor vs. Jawahar Navodaya Vidyalaya Mungeshpur*, Neutral Citation Number – 2023:DHC:1945, rendered by this Court.

6. In view of the aforesaid, the present writ petition is allowed. The petitioner child may continue to study in the school having been

granted admission in the Academic Session 2019-2020 itself.

7. With the aforesaid directions, the present petition is allowed.



MINI PUSHKARNA, J

APRIL 21, 2023

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