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

+ LPA 80/2024 & C.M.Nos.5583-5587/2024

JAWAHAR NAVODAYA VIDYALAYA Appellant

Through: Mr.Avnish Singh with Mr.Kapil Dev
Yadav, Mr.Vishal Kumar Yadav and
Ms.Kanchan Kumari, Advocates.

versus

NEMA AS GUARDIAN OF RAJ Respondent

Through: Mr.Aayush Agarwala, Advocate.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **01.02.2024**

1. Present appeal has been filed by the appellant challenging the order dated 29th November, 2023 passed by the learned Single Judge of this Court in WP(C) No.15328/2023, whereby the respondent was granted provisional admission to Class XI.
2. Learned counsel for the appellant states that the ward of the opposite party while filling up the admission form, applied in 'OBC Category' and in the column of 'School Location' filled up 'Rural'. Therefore, his admit card was also issued under the 'Rural Category'.
3. Learned counsel for the appellant states that the candidate opted for the Commerce Stream for which merit has to be prepared on the basis of the marks obtained in Mental ability, Social Science and Mathematics. In the selection test, Master Raj secured only 31 marks in the above-mentioned subjects i.e. Mental Ability, Social Science and Mathematics, whereas the



cut-off mark for JNV Mungeshpur in the respective category (OPEN UR/OBC) is 38 marks. He further states that the respondent belonged to urban and not rural category. Consequently, he contends that the respondent was not eligible for admission as per rules.

4. Learned counsel for the respondent states that he is not in a position to controvert the fact that the cut-off mark for JNV Mungeshpur is 38 marks. He further admits that the respondent/original writ petitioner belongs to the urban area, and therefore, he could not take admission under the 'Rural Category'.

5. Keeping in view the facts stated by learned counsel for the appellant which form a part of the appeal duly supported by an affidavit, and which learned counsel for the respondent is not in a position to controvert presently, the impugned order dated 29th November, 2023 passed in W.P.(C) No.15328/2023 is set aside.

6. However, the learned Single Judge is directed to decide the writ petition on its own merit. The rights and contentions of all the parties are left open.

7. Accordingly, the present appeal along with all the applications is disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 1, 2024
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