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

+ **W.P.(C) 6440/2024**

**SHRISHTI KUMARI THROUGH HER NEXT FRIEND AND
NATURAL FATHER MR. SANTOSH KUMAR Petitioner**

**Through: Mr. Ashok Agarwal, Mr.
Kumar Utkarsh and Mr. Manoj Kumar,
Adv.**

versus

JAWAHAR NAVODAYA VIDYALAYA & ORS.

..... Respondents

**Through: Mr. Ripu Daman Bhardwaj,
CGSC with Mr. Kushagra Kumar, Ms. K.
Manaswini and Mr. Vedansh Anand,
Advocates.**

Mr. Jaswinder Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

JUDGMENT (ORAL)

% 21.05.2024

1. The petitioner, who studied till Class V in the Navyug School, Peshwa Road, New Delhi, seeks admission to the Jawahar Navodaya Vidyalaya, Mungeshpur ("JNVM" hereinafter) in Class VI.

2. The petitioner registered herself for admission in Class VI in the JNVM for the academic year 2024-25 vide registration no. 29020600480. She appeared in the entrance test for admission to class VI in the JNVM on 20 January 2024 and qualified. All requisite documents, for securing admission in Class VI in the JNVM, were



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also furnished on 10 April 2024.

3. At this stage, the JNVM denied admission to the petitioner on the ground that she had done her schooling in New Delhi and not in the Mungeshpur District. It was sought to be contended by the JNVM that admission to JNVM was available only to students who had studied in Class V in the Mungeshpur District.

4. A similar controversy stands adjudicated by a coordinate bench of this Court in *Sirjeet Kumar v. Jawahar Navodaya Vidyalaya Mungeshpur*¹. This Court held, in the said decision, thus:

“29. The respondent being fully funded by Government and run by the Central Government through an autonomous organisation, is bound to ensure that the policies framed by it are neither discriminatory nor arbitrary. It is the bounden duty of the Government to follow a policy which provides equal opportunity to all its citizens for education and admission to educational institutions. Governments must follow the principles of fairness and equality in treatment while propounding its policies. It is the constitutional obligation of the Government to give equal opportunity to all, especially in matters of admission to educational institutions, otherwise the same shall be in violation of Article 14 of the Constitution of India. In the present case, there is no reasonable classification or intelligible differentia in excluding the Central and New Delhi District from the ambit of JNVs on the basis that the said districts are 100% urban, when the policy itself provides for admission to the JNVs to the extent of 25% to the urban population.

30. In view of the aforesaid detailed discussion, it is held that the decision of the respondent to exclude Central and New Delhi District from the ambit of JNVs and not granting an opportunity to the students of the said districts for admission to JNVs under the urban quota, is clearly arbitrary, leading to inequality and clearly hit by Article 14 of the Constitution of India.

¹ 2023 SCC OnLine Del 1638



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31. Consequently, the decision of the respondent as contained in letter dated 11.01.2023 cancelling the admission of the petitioner to Jawahar Navodaya Vidyalaya, Mungeshpur, situated in District North, Delhi, is set aside.

32. The current academic session of Class VI is almost over and the new session is about to begin from 01.04.2023 onwards. As informed, since the admission of the petitioner to the respondent school was cancelled, the petitioner continued his Class VI study in the Atal Adarsh Boys Vidyalaya at Mandir Marg, which is a Government School, as informed by learned Counsel for the petitioner.

33. In view of the aforesaid, keeping in mind the facts and circumstances of the present case, it is directed that the petitioner shall be granted admission to Class VII by the respondent School in the next academic session beginning from 01.04.2023.”

5. The aforesaid decision of the Single Judge has been carried in appeal to the Division Bench by way of LPA 375/2023 (*Jawahar Navodaya Vidyalaya Mungeshpur v. Sirjeet Kumar*). The Division Bench has admitted the LPA and has made the interim order dated 23 April 2023, whereby the JNVM was directed to permit the child to continue to study in the school subject to the final outcome of the LPA, absolute, pending disposal of the LPA.

6. Mr. Jaswinder Singh, learned counsel for the JNVM, seeks to re-argue the contentions already raised and rejected before this Court in *Sirjeet Kumar*. He places reliance on the minutes of the 37th meeting of the Executive Committee of the Navodaya Vidyalaya Samiti (NVS), specifically Item No. 12 thereto which envisages that students who have studied in the Central and New Delhi districts would not be granted admission in the JNVM, as the said districts



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have 100% urban population.

7. The very same plea was raised in *Sirjeet Kumar*, and stands unequivocally rejected in paras 29 and 30 of the decision.

8. As such, this contention cannot be available to the respondent in the present case.

9. Mr. Jaswinder Singh also sought to contend that the petitioner is not entitled to relief as she has resorted to misrepresentation while applying for admission to Class VI. It is sought to be contended that, in the admission form, the petitioner has entered the district in which she was residing/previously studying as Jaffarpur Kalan though she was a student of New Delhi district, only so as to obtain admission to the JNVM.

10. Mr. Utkarsh Kumar, on being questioned in this regard points out that, in all other places of admission form, the petitioner has correctly disclosed the school she has been studying as Navyug School Peshwa Road, New Delhi. The only reason why, at one point, the form reflects the district in which the petitioner was studying as Jaffarpur Kalan is because, at that point, the online form of JNV provided only two dropdown options for the district in which the student has studied, one being Mungeshpur and the other Jaffarpur Kalan, and the petitioner had to select one. This was apparently because of the policy of the JNV not to allow students outside these



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two districts to be admitted to the JNVM or the JNV in Jaffarpur Kalan. That policy has already been held as illegal by this Court in its judgment in *Sirjeet Kumar*.

11. In any event, an identical plea was raised before the coordinate Bench in *Sirjeet Kumar* as noted in para 7 of the judgment of that case, which reads thus:

“7. On the other hand, on behalf of the respondent it is submitted that the petitioner had completed his V Standard from Atal Adarsh Boys Vidyalaya, Mandir Marg, which comes under District New Delhi. However, he has furnished fabricated and frivolous information before court to mislead the court. It is submitted that the petitioner had studied in the aforesaid school falling in the New Delhi District, where JNV scheme is not applicable being 100% urban population. However, the petitioner wrongfully submitted the false information that the petitioner is covered under District Mungeshpur.”

12. Despite this, the learned Single Judge has granted relief to the students in that case. The Division Bench has assigned the LPA to the regular Board and has in the meanwhile allowed the student to continue studying in the JNVM.

13. Mr. Jasvinder Singh is not able to point out any basis to distinguish the present case from *Sirjeet Kumar*, on facts or in law.

14. In that view of the matter, the petitioner is entitled to be treated at par with *Sirjeet Kumar*.

15. Before parting, I am constrained to express my displeasure at the fact that, in the teeth of the existing judgment in *Sirjeet Kumar*,



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the respondent has, nonetheless, refused admission to the petitioner in this case on the ground that she was not a student in the Mungeshpur district. This is completely unacceptable. The JNV is bound, in law, to respect and honour judgments rendered by Courts, howsoever unpalatable they may appear to be.

16. The JNV is, therefore, directed to ensure that, hereinafter, the judgment dated 16 March 2023 is complied with, and students are not refused admission into the JNV on the ground that they do not belong to the districts in which the JNVs are situated, without driving every student to litigation.

17. For the aforesaid reasons, the impugned decision not to admit the petitioner in the JNVM is quashed and set aside. The petitioner is entitled to be admitted to the JNVM in class VI in the academic year 2024-25 and to be continue to be educated in the said school. This shall, however, be subject to the outcome of LPA 375/2023 pending before the Division Bench.

18. The writ petition is allowed to the aforesaid extent.

C.HARI SHANKAR, J

MAY 21, 2024

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Click here to check corrigendum, if any