



2024:DHC:3733



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

+ **W.P.(C) 15328/2023**

**NEMA AS GUARDIAN OF RAJ**

..... Petitioner

Through: Mr. Aayush Agarwala and Ms.  
Bhumika Sharma, Advocates

versus

**JAWAHAR NAVODAYA VIDYALAYA**

..... Respondent

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

**CORAM:**

**HON'BLE MR. JUSTICE C.HARI SHANKAR**

**JUDGMENT (ORAL)**

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**07.05.2024**

**W.P.(C) 15328/2023**

1. This writ petition is directed against the communication dated 19 October 2023 issued by the Jawahar Navodaya Vidyalaya, Mungeshpur, Delhi (hereinafter referred to as “the school”), whereby admission of the petitioner’s ward Raj in Class XI for the academic session 2023-2024 was cancelled on the ground that he had failed to produce a valid Rural Area Certificate, though he had sought admission on that ground.

2. The contention of the petitioner was that the petitioner had applied under the OBC category, and not as a resident of a rural area, and was granted provisional admission in that category in Class XI, *vide* admission letter dated 13 October 2023. It was sought to be



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contended that it was the school which required the petitioner to produce a Rural Area Certificate. The Rural Area Certificate dated 18 October 2023, produced by the petitioner, certified that he was residing in an urban area.

3. As the contention of the petitioner was that he had applied for admission as an OBC category student and had not sought to contend that he was staying in a rural area, this Court, *vide* order dated 16 April 2024, took stock of para 11 of the counter affidavit filed by the respondent, which read thus:

“11. That, it is further submitted that, in the Lateral Entrance Examination 2023-24 conducted for admission in Class XI, the candidate namely Master Raj secured 31 marks only in concerned relevant subject i.e. Mental ability, Social Science and Mathematics for the Commerce Stream whereas the cutoff mark for JNV Mungeshpur in the respective category [OPEN UR/OBC] is 38 marks, accordingly, he was not eligible for consideration for admission as per the rules.”

4. The respondent, thus, had sought to contend that, even if he was considered as a general/OBC category, he had not secured the cut off marks for admission to the general/OBC category in the respondent school.

5. The petitioner filed CM 22033/2024, averring that he had learnt from credible sources that OBC category students, who had secured less than 38 marks – which were the marks scored by the petitioner – had been granted admission in the respondent school. The application, therefore, sought a direction to the respondent school to disclose the marks obtained by the OBC students in Class XI, who had



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secured least marks.

6. By order dated 16 April 2024, I had, therefore, called upon the respondent school to place on affidavit the marks of the OBC category students, along with their identities, who had been admitted to Class XI in the respondent school and had secured least marks.

7. The respondent school has, in compliance, filed an affidavit dated 2 May 2024, in which it has been categorically averred in para 2, thus:

“2. That, it is submitted that against the Lateral Entry examination 2023 for the admission in Class XI in which ward of the writ petitioner has participated, only 04 candidates are admitted to Class XI against their respective categories. The details of the same are as follows:-

| Sr. No | Name of the Candidate | Gender | Roll No. | Selection Quota | Actual Category of the candidate | Marks Scored by the candidate in test |
|--------|-----------------------|--------|----------|-----------------|----------------------------------|---------------------------------------|
| 1      | Sapna                 | Girl   | 150566   | Open UR/OBC     | SC                               | 46                                    |
| 2      | Kirti                 | Girl   | 150571   | Open UR/OBC     | OBC                              | 47                                    |
| 3      | Monu Kumar            | Boy    | 150544   | Rural UR/OBC    | SC                               | 42                                    |
| 4      | Rishabh Raj           | Boy    | 150751   | Open UR/OBC     | OBC                              | 42                                    |

8. Thus, the additional affidavit filed by the respondent school asserts that no unreserved/OBC category candidate, who had secured less marks than the petitioner's ward had scored in the Lateral Entrance Examination 2023-2024, had been admitted in Class XI in



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the respondent school.

9. In that view of the matter, Ms. Bhumika Sharma and Mr. Aayush Agarwala, learned Counsel for the petitioner submit that the writ petition may be disposed of.

10. Accordingly, as no unreserved/OBC candidate, who has secured lesser marks than the petitioner in the Lateral Entrance Examination 2023, has been admitted to the respondent school, the petitioner can have no subsisting grievance. The writ petition stands disposed of.

**CM APPL. 26914/2024 (for condonation of delay of 2 days in filing short affidavit)**

11. Delay of two days in filing affidavit in compliance with the order passed by this Court is condoned.

12. Affidavit is taken on record.

13. The application stands disposed of.

**CM APPL. 61491/2023 (stay)**

14. This application does not survive for consideration and is disposed of.

**C.HARI SHANKAR, J**

**MAY 7, 2024/rb**

*[Click here to check corrigendum, if any](#)*