

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10303 of 2024

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Guljabi Wife of Nasib @ Nasib Alam, Resident of village- Jhala, Post-
Terhagachh,P.S. -Terhagachh, District - District-Kishanganj.

... .. Petitioner/s

Versus

1. The Union of India through the Ministry of Human Resources Development Department, Government of India, New Delhi.
2. The Secretary, Human Resources Development Department, Government of India, New Delhi.
3. The Central Board of Secondary Education, Shiksha Kendra -2, Community Centre, through the Director. Preet Vihar, Delhi.
4. The Navoday Vidyalaya Samiti, B-15, Institutional Area, Sector-62, Noida (Uttar Pradesh) through the Commissioner.
5. The Deputy Commissioner, Navoday Vidyalaya Samiti, Regional Office, Karpoori Thakur Sadan, Central Official Campus, Block -A and B, 5th Floor, Ashiana Digha Road, Patna.
6. The Principal, Jawahar Navoday Vidyalaya, Motihara, Kishanganj, District - Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.B.K. Mangalam, Adv.
For the Respondent/s	:	Mr. Additional Solicitor General
For the Resp. No. 4 and 5:	:	Mr. Siddharth Prasad, Adv.
For the Resp. No. 3	:	Mr. Vinay Krishna Tripathy, Adv.
For the UOI	:	Ms. Shweta Verma, Adv.
	:	Mr. Sameer Sawarn, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

5 19-06-2025

1. The present writ petition has been filed for a direction upon respondent no. 6 for admission of the petitioner's son in Class VI at Jawahar Navodaya Vidyalaya, Motihara, Kishanganj, for the academic session 2024–25. It is the case of the petitioner that her son has been denied admission on account of a minor discrepancy in the application form with respect to the block name where the school was situated.



2. The brief facts are that pursuant to an advertisement issued by the Navodaya Vidyalaya Samiti (NVS) for admission to Class VI under the Jawahar Navodaya Vidyalaya Selection Test (JNVST) 2024–25, the petitioner’s son applied for admission. In the hard copy of the application form, the name of the block was correctly mentioned as Dighal Bank. However, in the online form, the block was incorrectly filled as Terhagachh, allegedly due to a clerical error committed by a third person assisting in the online submission.

3. The petitioner’s son appeared in the entrance test and was provisionally selected, his name was appearing at serial no. 44 of the select list. However, he was ultimately denied admission due to the discrepancy in block name.

4. Learned counsel for the petitioner submits that the discrepancy in the name of the block mentioned in the application form is a result of an inadvertent clerical error committed at the time of uploading the online application form. In the soft copy, the block has been mistakenly entered as Terhagachh, whereas in reality, the petitioner’s son studied Classes III, IV, and V at Madarsa Islamia Faizal, Ghorba, Banbarea Tola-Dhangarha, which is situated in the Dighal Bank Block.

5. It is further submitted that the hard copy of the application form clearly mentions the correct block and was



countersigned by the Head Maulvi of the concerned Madarsa, who also affixed his official seal after his signature, thereby authenticating the information provided. Along with the hard copy, other relevant documents, including the transfer certificate issued by the Head Maulvi, were submitted to the respondent authorities to establish the correct location of the Madarsa.

6. Despite the above facts, the admission of the petitioner's son has been denied solely on the ground of the block mismatch appearing in the online form, without appreciating the documentary evidence. It is thus argued that such a technical error, which does not go to the root of eligibility, ought not to defeat the meritorious claim of the petitioner's son, especially when he has been duly selected and placed at serial no. 44 of the merit list.

7. Learned counsel for the petitioner further submits that such an error was minor and technical in nature and should not defeat the petitioner's son's claim, especially when documentary proof of the correct school location and a transfer certificate authenticated by the Head Maulvi was furnished.

8. On the other hand, Mr. Siddharth Prasad, learned counsel for the respondent nos. 4 and 5, submits that although the petitioner's son did study in a school situated in Dighal Bank Block, the application was erroneously filed under Terhagachh Block, which resulted in a mismatch during verification. It is further submitted that this matter was escalated to the Assistant Commissioner, JNVST, Noida vide



letter no. 187 dtd 30.04.2024. Thereafter, an office order was issued by NVS RO - Patna dtd 21.05.2024 stating therein that block of the petitioner should be treated as Block 2 i.e. Dighal Bank instead of Block 6 i.e. Terhagachh block. However, it was further clarified that admission would be subject to availability of seats in the concerned block under the applicable quota.

9. Pursuant to such directions, the admission records were verified and it was found that in Dighal Bank Block, there were only three seats available in the General/Rural category, all of which had been filled by candidates ranking higher in the merit list than the petitioner's son. Thus, no seat was available under the General/Rural quota for Dighal Bank at the time of consideration.

10. In reply to this, Learned Counsel for the Petitioner submits that an application under the Right to Information Act was filed by the petitioner seeking specific information as to Who had been granted admission in place of his son, Mohammad Inayat, placed at S. No. 44 in the merit list. However, the reply received under the RTI Act was non-committal, and reply received to this query was 'none'. The petitioner contends that this lack of transparency further casts doubt on the fairness and objectivity of the admission process in the concerned block.



11. It was also pointed out by the respondents that while the NVS mandates online submission of application forms, the petitioner initially submitted the application offline, contrary to the prescribed procedure.

12. I have heard learned counsel for the parties and have gone through the materials available on record. It is not in dispute that while submitting the online application form pursuant to the advertisement issued by the Navodaya Vidyalaya Samiti for admission to Class VI under JNVST 2024, the name of the block where the petitioner's son had studied was incorrectly entered as Terhagachh, whereas in fact, he had studied in a madarsa situated in Dighal Bank block. This error was admittedly committed at the time of uploading the online form by a person assisting the petitioner. The hard copy of the application, however, correctly mentioned the block as Dighal Bank and was duly supported by documentary evidence, including a transfer certificate issued by the Head Maulvi, who also authenticated the same with his seal and signature.

13. On discovering the discrepancy, the matter was referred to the office of the Assistant Commissioner, Navodaya Vidyalaya Samiti, Noida, and subsequently, an office order dated 21.05.2024 was issued by the Regional Office at Patna, directing that the petitioner's son's application be treated under Block 2, i.e., Dighal



Bank, instead of Block 6, i.e., Terhagachh. Thus, any possible prejudice caused to the petitioner due to the clerical error in the online application form stood remedied, and his candidature was duly considered under the correct block.

14. As per the Prospectus for admission to Class VI in Jawahar Navodaya Vidyalayas, annexed as Annexure R/1 to the supplementary counter affidavit, there exists a clear provision regarding reservation and allocation of seats. Clause (e) specifically provides that Rural-Open seats are allocated block-wise based on the rural population of the concerned block, in accordance with the selection criteria laid down by NVS. This block-wise allocation is central to the seat distribution mechanism under the JNV system.

15. While the petitioner claims to have filed an RTI seeking information regarding the denial of admission to his son, the information received under RTI did not disclose the block-wise vacancy position. It merely provided general district-level data such as the number of candidates who appeared, qualified, secured admission, and remained on the waiting list from Kishanganj district. The RTI reply also failed to identify who, if anyone, was admitted in place of the petitioner's son. This general data, without reference to block-wise seat distribution, cannot support the petitioner's claim.

16. On the other hand, the respondents have placed on record specific data showing that in Block 2 (Dighal Bank), under the Rural-



General category, there were only three seats, which were duly filled during the main selection round by candidates higher in merit than the petitioner's son. These seats were allotted to Gaznafar Alam (Serial No. 1), Bhuvika Kumari (Serial No. 27), and Harshita Jha (Serial No. 28). The petitioner's son, who stood at Serial No. 44, could not be accommodated as no vacancy remained in the said block and category.

17. It is a well-settled law that mere inclusion in the provisional merit or select list does not confer an indefeasible right to admission. The petitioner's son's provisional selection did not create any vested right in his favour, especially in the absence of available seats in the appropriate quota.

18. Furthermore, this Court cannot lose sight of the fact that the academic session for 2024–25 has already substantially progressed, and any direction for admission at this stage would not only disrupt the academic structure of the institution but also prejudice the interest of other eligible candidates.

19. In view of the aforesaid, the present writ application is dismissed.

(Anil Kumar Sinha, J)

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