

24.04.2025
Court No. 18
Item No.02
(Suvendu)

WPA 9123 of 2025

Zishan Rana Halder
-Versus-

Union of India & Ors.

Mr. Pankaj Halder
Mr. Shibjit Mitra
Mr. Tapas Manna
.....for the petitioner

Mr. Pulakesh Bajpayee
....for the respondent nos. 3-7 & 9

Mr. Nilanjan Bhattacharya
Mr. Goutam Sarder
....for the UOI

Mr. U.S. Menon
Mr. Abhirup Chakraborty
.....for the CBSE

Affidavit of service filed on behalf of the
petitioner is taken on record.

Matter relates to admission of petitioner in
Jawahar Navodaya Vidyalaya –II, South 24
Parganas in Class VI. Central Board of
Secondary Education (for short, “CBSE”)
conducted Jawahar Navodaya Vidyalaya
Selection Test -2025 on 18th January, 2025 for
Jawahar Navodaya Vidyalaya wherein Zishan
Rana Halder being the petitioner participated
upon classifying himself as a candidate under
‘OBC Rural’ category. In support of same, Admit

Card which is at page 20 of the writ petition is relied upon.

It is submitted on behalf of the school authority as well as CBSE that in view of the judgment of the Hon'ble Division Bench of this Court dated 22nd May, 2024 petitioner ought not to be treated as 'OBC Rural' category candidate. It is candidly submitted on behalf of the CBSE and school authority that if petitioner would have been considered as 'OBC Rural' category candidate in that event he would come within the zone of consideration but in view of the judgment of the Hon'ble Division Bench dated 22nd May, 2024 at present same option is not left open.

It needs to be recorded herein that the judgment of the Hon'ble Division Bench dated 22nd May, 2024 has been assailed by filing Special Leave Petition (Civil) Diary No. 27287/2024 (The State of West Bengal & Anr. Vs. Amal Chandra Das) and issue is pending for consideration before the Hon'ble Supreme Court.

No case is made out on behalf of the petitioner in the present case that petitioner should be treated as 'OBC Rural' category candidate. Therefore, in terms of the law

prevailing now petitioner at best can be treated as 'Open Unreserved (Boy)' category candidate.

On perusal of a document at page 26 of the writ petition, it appears that cut-off marks based on aforesaid examination has been fixed by the concerned respondent authority for 'Open Unreserved (Boy)' category is 97.50 but there is nothing on record which goes to show that petitioner has achieved such cut-off marks in order to consider him under 'Open Unreserved (Boy)' category.

In view of aforesaid discussion, no relief can be granted to the petitioner.

Writ petition stands dismissed, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)