



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No.16382/2024

Devendra Prajapat S/o Chandu Lal, Aged About 12 Years R/o Ghatakadavas, Rampura, District Sirohi. (Minor) through Natural Guardian Father Chandu Lal S/o Shri Lumba Ram, age 44 Years, R/o Ghatakadavas, Rampura, District Sirohi.

-----Petitioner

Versus

1. Union Of India, Through The Secretary, Ministry Of Education, Department Of School Education and Literacy, Government Of India New Delhi.
2. The Commissioner, Navodaya Vidhyalaya Samiti, B-15, Institutional Area, Sector 62, Noida, Uttar Pradesh.
3. The Deputy Commissioner, Navodaya Vidhyalaya Samiti, Near Pariskar College, Behind SCG Hospital, Navodaya Vidyalaya, Mansarovar, Jaipur.
4. The Principal, PM Shri School Jawahar Navodaya Vidhayala, Kalandri District Sirohi.

-----Respondents

For Petitioner (s)	:	Mr. Naresh Singh
For Respondent (s)	:	Mr. Rajendra Katariya Mr. Rajesh Choudhary

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

REPORTABLE

03/12/2024

1. Heard learned counsel for the parties.
2. The present writ petition has been filed against the letter/order dated 05.09.2024 (Annex.18) issued by Principal, PM Shri School Jawahar Navodaya Vidyalaya, whereby, the application form of the petitioner- Devendra Prajapat through natural guardian Father Shri Chandu Lal for admission in the respondent- School has been denied on the ground that he has not undertaken the studies of one full Academic Session in III standard.



3. Briefly noted the facts in the present writ petition are that Master Devendra Prajapat was studying in Astha Upper Primary School, Goeli, District Sirohi in the year 2020 and was permitted to appear in Class III for the Academic Session 2021-22. Due to the Pandemic of Covid-19 in the country, the academic session for III standard, which was scheduled to be started in April-2021 in the school of the petitioner was delayed and it actually commenced in the month of September, 2021 which is clear from the certificate dated 30.08.2024. Immediately after the session was opened, the petitioner undertook the classes for III standard from October, 2021 in Astha Upper Primary School, Goeli, District Sirohi. The petitioner after having completed the studies of III standard was permitted to IV standard and, thereafter, in V standard. In IV and V standards, the petitioner completed the entire academic sessions.

4. The respondent No.4 issued prospects for admission to Class-IV in Jawahar Navodaya Vidhayalaya through selection test for the Sessions 2024-25. In pursuance thereof, after completion of the Vth standard from the Astha Upper Primary School, Goeli, District Sirohi, the petitioner applied for admission in the Jawahar Navodaya Vidyalaya, Kalandri, District Sirohi by filing appropriate application and requisite fee etc. The petitioner appeared in the selection process and was selected. An information about his selection for admission in Class-VI for Academic Session 2024-25 was given by the respondent No.4 vide order dated 04.04.2024. In pursuance thereof, the petitioner appeared before the respondent No.4 with the requisite documents on 13.04.2024, on the said date, the respondent No.4 issued a letter to the petitioner



asking him to furnish information about gap in the academic session in Class-III. Thereafter, the admission of the petitioner was denied by the respondent-School vide letter/order dated 05.09.2024 (Annex.18) on the ground that the petitioner has not spent one full year academic session in each class. Hence, the present writ petition has been filed.

5. Learned counsel for the petitioner submits that the School in which the petitioner was studying commenced its session in the month of September, 2021 for III standard and other classes on account of Pandemic of Covid-19 in the country. Immediately after opening of the session, the petitioner took the admission in III standard and had studied in the school. For the IV and V standards, the petitioner completed the studies for the full academic session. Learned counsel for the petitioner submits that the petitioner could not resume the studies in the school from April-May, 2021 to September, 2021 on account of Covid-19 which was beyond the control of the petitioner. He submits that the denial of admission to the petitioner on the ground of having not completed one year academic session in III standard is very harsh, arbitrary and unreasonable. He, therefore, prays that the writ petition may be allowed and the respondents may be directed to give admission to the petitioner in VI standard.

6. Per contra, learned counsel for the respondents vehemently submitted that as per the guidelines of the selection test, 2024 for admission in the Jawahar Navodaya Vidyalay, a person has to complete full one academic session in each class. He submits that as per the clause 4.4 of guidelines 2024 since the petitioner has not undertaken the full classes of one academic session in III



standard, he is not entitled to be admitted in VI standard. He, therefore, prays that the writ petition may be dismissed.

7. I have considered the submissions made at the Bar and have gone through the relevant records of the case.

8. The undisputed facts disclosed in the present writ petition are that the petitioner was undergoing his education in Astha Upper Primary School, Goeli, District Sirohi. It is also an undisputed fact that there was Pandemic of Covid-19 in the country from March 2020 till 2022. As a result, some of the schools were closed, and number of schools were unable to conduct regular classes. In the chain of sequence of prevailing situation in the country, certain schools had begun their academic session at a delayed stage. The country was facing the Pandemic of Covid-19 which is undisputed and the reasons for not attending the classes by the petitioner for a few months in III standard were beyond his control. The global health crisis, coupled with the widespread disruptions such as the closure of educational institutions, delays in admission processes and unforeseen challenges in meeting the academic deadlines constitutes a clear case of *force majeure*. These uncontrollable events prevented the petitioner from taking the classes of one full academic year in III standard.

9. The clause 4.4 of the Selection Test of 2024 of Jawahar Navodaya Vidyalaya, on which the counsel for the respondents relied, reads as under:

"WHO IS ELIGIBLE

4.1.....

4.2.....



4.3.....

4.4. A candidate seeking admission to class VI must have studied and passed classes III, IV and V from a Govt./Govt. Aided/recognized school spending one full academic session in each class."

A close reading of the same clearly shows that in normal circumstances, a person is required to undergo the education for one full academic session in each class. In the present case, although the petitioner was short by attending his classes in III standard but, thereafter, in IV and V standards, he has attended the classes for entire year. In the present circumstances, since the country was facing a situation of Pandemic of Covid-19, the schools were closed and clause 4.4 has to be read in a way that the situation beyond the control of a student should not come in the strict compliance for giving admission in Jawahar Navodaya Vidyalaya. In the opinion of this Court, the interpretation of clause 4.4 has to be liberal and, therefore, in the present circumstances, the benefit needs to be extended to the petitioner, more particularly when he has completed his complete one year academic sessions in IV and V standards respectively. Therefore, this court is of the view that the ground for denial of admission by the respondents vide letter/order dated 05.09.2024 is arbitrary and unreasonable.

10. It is noteworthy that the Astha Upper Primary School, Goeli, District Sirohi has issued a certificate that the classes for III, IV and V standards resumed in the month of September, 2021 only and, therefore, no fault can be found with the petitioner for not attending the classes prior to that date.



11. This Court is conscious of its limitation in giving directions for admission in the educational institutions as strict compliance of the guidelines are required to be adhered to, and, no deviation is warranted in the curriculum/guidelines of the higher/technical studies. However, keeping in mind, the admission in the primary/upper primary classes, a liberal approach is warranted, more particularly, in a situation where the whole world was facing the crisis of Covid-19, therefore, in the opinion of this Court, relaxation in attending the classes that too of III standard will not cause any major deviation to the guidelines for admission in VI standard.

12. In view of the discussions made above, the present writ petition merits acceptance and the same is allowed. The order dated 05.09.2024 (Annex.18) denying the admission to the petitioner in VI standard is quashed and set aside and the respondents are directed to immediately admit the petitioner in VI standard and allow him to attend the classes.

13. Stay petition as well as other pending applications, if any, shall stand disposed of accordingly.

(VINIT KUMAR MATHUR),J

434-/Arun Pandey/-