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WP-13186-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 19th OF AUGUST, 2025WRIT PETITION No. 13186 of 2025*AARAV SINGH**Versus**UNION OF INDIA AND OTHERS*

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Appearance:

Shri Hitendra Kumar Golhani - Advocate for the petitioner.

Shri Arnav Tiwari - Panel Lawyer for the respondents/State.

Shri Rajesh Maindiretta - Advocate for the respondent No.3.

Shri Aditya Awasthi - Advocate for the respondent No.6.
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ORDER

Assailing the order dated 12.11.2024 passed by the respondent No.5 whereby the request of the petitioner seeking special permission for registration in Class 9 was rejected twice on various grounds.

2. It is the case of the petitioner that he is a minor and is represented through his mother. His date of birth is 19.03.2014. He was studying in the respondent No.6/Institution in Class VII during the Academic Session. From the inception of his studies, the petitioner was a bright student scoring always excellent marks demonstrating his extraordinary capacity to learn more. He continued from Class I to Class VIII without any hindrance in the respondent No.6/Institution. When the petitioner reached Class IXth his registration was not done by the authorities citing age issue and the petitioner was asked to either amend the date of birth in the Transfer Certificate or to obtain TC from the school, upon which the petitioner's mother made several representations before the respondents No.3, 5



and 6 requesting them to grant special permission for registration of the petitioner as he is the bright student. However, the representations submitted were rejected by the authorities by passing the impugned order. The mother of the petitioner has sworn in an affidavit on 31.05.2025 which was submitted before the authorities. The reasons assigned by the authorities for rejection is the norms that provides for particular age seeking admission in Class IXth. As the petitioner has not satisfied the requirement of the age limit as determined by the State/Union Territory Government, therefore, the application was rejected.

3. Counsel appearing for the petitioner has argued that in similar circumstances, the High Court of Patna in Civil Writ Jurisdiction Case No.17241/2023 (Sameer Raj and another Vs. The Union of India and others) decided on 11.01.2024 taking note of the previous performance of the petitioner has allowed the candidate to appear in the Board Examination, even when the candidate is under aged. It was considered by the Court that if a student who is exceptionally well and meritorious then such circumstances should be treated as exceptional circumstances and such students should always be given chance to move forward. Virtually denying the admission in Class IXth to the petitioner who is a meritorious students is virtually violating the fundamental right under Article 21 of the Constitution of India. It is further argued that Clause 4.1 of the National Education Policy, 2020 provides that the provisions are directory and not mandatory and in extraordinary circumstance the permission can be granted and the age can be relaxed. Therefore, this petition is filed seeking quashment of the impugned order with a further direction to the respondents to consider the case of the petitioner as a special case and grant him registration in Class IX in the respondent No.6/Institution. Counsel appearing for the petitioner has brought to



the notice of this Court the report regarding intelligence IQ being conducted with respect to the petitioner and has argued that the doctors have opined that the petitioner is having some extraordinary qualities and is a brilliant student. It is further argued that there is no compulsion of parents of the petitioner to get admission in Class IX at certain tender age. It is because the petitioner is a brilliant and an extraordinary student who has passed upto Class VIII with flying colours out of his own will applied for taking admission in Class IX.

4. On notice being issued, reply has been filed by the respondents No. 3 to 5 Central Board of Secondary Education denying all the petitioner's averments. It is contended therein that the State of M.P. is following the National Education Policy, 2020 formulated by Ministry of Human Resource and Development (now Ministry of Education), Government of India, wherein Clause 4.1 deals with curriculum and Pedagogy in Schools provides for a particular age limit. In view of Clause 4.1 of the said policy as the petitioner is not fulfilling the age criteria and is under age, he cannot be given admission in Class IX which is the secondary stage. It is further contended that in similar circumstances, the High Court of Patna has disposed of the writ petition directing the petitioner to submit representation to the Chairman of the CBSE with an observation that in case the petitioner is found to be exceptionally meritorious subject to satisfaction of the Chairman of the CBSE, the petitioner shall be allowed to appear in Higher Classes and thereafter the order passed by the Chairman was assailed by filing the writ petition and the writ petition was dismissed holding the decision taken by the Chairman to be correct and the order passed by the Writ Court was affirmed by the Division Bench of High Court of Patna. Counsel appearing for the respondents No.3 to 5 has brought to the notice of this Court the examination bye-laws of the Central Board of Secondary Education wherein Clause 6 deals with Admission: General Conditions



and Clause 6.1 (iii) provides that student seeking admission in any class in school will be eligible for admission only if he satisfies the requirement of age limit as determined by the State/Union Territory Government and applicable to the place where the school is located.

5. Certain documents were placed on record along with the application for taking annexures on record being I.A.No.10343/2025 which could not be filed along with the return. It is contended that the Rules are governing the case of the petitioner they are required to be strictly followed. There is no provision for grant of any relaxation in the age as it is the policy decision taken by the Government while framing the National Education Policy, 2020. Without there being any challenge to the policy, no relief can be extended to the petitioner. He has prayed for dismissal of the petition.

6. Counsel appearing for the respondent No.6/Institution has not filed any reply to the petition. However, he adopts the submission made by the counsel appearing for the CBSE and submits that they are governed by the Rules of CBSE.

7. Heard the learned counsel for the parties and perused the record.

8. From the perusal of the record, it is seen that the petitioner is a brilliant student. His date of birth is 19.03.2014. He has passed upto Class VIII with flying colours. The marksheets annexed with the writ petition clearly shows that he is a brilliant students having overall excellent academic records. He has passed out his Class VIII examination in Academic Session 2023-2024 with flying colours. The academic report card does not reflect any negative marking regarding the petitioner. The petitioner applied for taking registration in Class IX. However, the same was rejected considering Clause4.1 of the National Education Policy, 2020. The mother of the petitioner has represented to the various authorities seeking



permission for registration in Class IX, however, the same was also rejected. Therefore, this petition was filed.

9. Counsel appearing for the petitioner has brought to the notice of this Court to the documents that is the report given by the Psychiatrist, pointing out the fact that the petitioner is having some extraordinary qualities. He is a brilliant student.

The relevant portion of the report reads as under :-

"बालक की Multiple Intelligences Interpersonal aspect, Analytical Thinking, Nature love, Music Sound में strength हैं IQ Intelligence Quotient - बालक का IQ सामान्य से अधिक हैं
CQ Creative Quotient - बालक का CQ सामान्य से अधिक हैं
AQ Adversity Quotient - बालक का AQ सामान्य से अधिक हैं
Brain Dominance - बालक का Left Brain-57.41%, Right Brain 42.59% बालक लगभग Brain के दोनों भाग का use करता है. बालक का Learning style Visual Learner - 33.38%, Auditory Learner-35.69%, Kinesthetic Learner - 30.93%, Thinking, Acquiring Method - Self cognitive - 40%. Affective - 30%, Reverse Thinker - 30% Reflective - 0%."

10. It is not in dispute that the petitioner was permitted to get admission and appear in examination of Class VIII without any hindrance and without following Clauses 4.1 of the National Education Policy 2020. It is also argued that the National Education Policy is formulated in the year 2020 whereas the petitioner was already admitted in the school, much prior to the year 2020. It is only he passed out Class VIII and made an attempt to take admission to Class IX, he was refused to take admission in Class IX on the ground that he is under age.

11. Clause 4.1 of the National Education Policy, 2020 is relevant, which reads as under :-

"4. Curriculum and Pedagogy in Schools: Learning Should be Holistic, Integrated, Enjoyable, and Engaging
Restructuring school curriculum and pedagogy in a new 5+3+3+4 design.

4.1. The curricular and pedagogical structure of school education will be reconfigured to make it responsive and relevant to the developmental needs and interests of learners at different stages of their development, corresponding to



the age ranges of 3-8, 8-11, 11-14, and 14-18 years, respectively. The curricular and pedagogical structure and the curricular framework for school education will therefore be guided by a 5+3+3+4 design, consisting of the Foundational Stage (in two parts, that is, 3 years of Anganwadi/pre-school + 2 years in primary school in Grades 1-2; both together covering ages 3-8), Preparatory Stage (Grades 3-5, covering ages 8-11), Middle Stage (Grades 6-8, covering ages 11-14), and Secondary Stage (Grades 9-12 in two phases, i.e., 9 and 10 in the first and 11 and 12 in the second, covering ages 14-18)."

12. From the perusal of the aforesaid, it is clear that the pedagogical structure of the school education is reconfigured to make it responsive and relevant to the development needs and interests of learners at different stages of their development. Bare reading of Clause 4.1 does not provide that the said clause of the policy is mandatory. However, the said clause is inserted in the interest of the student, looking to the developmental needs and interests of the student at large. However, it does not speak out regarding the extraordinary student who are having some exceptional qualities and capabilities. They cannot be simply debarred on the basis of Clause 4.1 of the National Education Policy, 2020.

13. The High Court of Patna in similar circumstances has dealt with similar issue in the case of **Sameer Raj and another Vs. The Union of India and others (Civil Writ Jurisdiction No.17241/2023)** vide its judgment dated 11.01.2024 has held as under :-

"9. Considering the aforesaid discussions and the result shown by the petitioner No.1, in my considered opinion, the petitioners may file a representation before the Chairman of the C.B.S.E. along with all the relevant papers/results of the petitioner No.1 within a period of twenty days from today and if such a representation is filed, the Chairman of C.B.S.E. is directed to consider the same."

14. Similar issue was considered by the High Court of Himachal Pradesh at Shimla in Civil Writ Petition No.8062/2021 (Kashvi Minor And State of Himachal Pradesh and others) vide order dated 22.03.2022, wherein it is held as



under :-

"Whereas learned counsel for petitioner had been persistent with his submissions for allowing Kashvi to undertake class 8 final examination being conducted by respondent No. 3 in the coming week. Learned counsel submitted that Kashvi has already completed the syllabus of class 8. She is ready to face class 8 examinations. She is teaching Class 8 subjects to various students. Several instances of young extraordinary children permitted to appear in higher classes examinations by various Education Boards of different States were cited.

4. Kashvi's IQ test result placed on record of the petition assessing her I.Q. at 154 was got conducted by a single doctor. Therefore, at our direction dated 02.03.2022, a Medical Board consisting of three experts from the Specialty, constituted by the Principal of Indira Gandhi Medical College & Hospital, Shimla conducted Kashvi's IQ level test on 04.03.2022. Based on assessment, her average IQ was reported by Medical Board as 128.

We are deeply conscious of the situation that a child of such tender age, as Kashvi is, might face a lot of peer pressure, emotional and physical stress in future in case she is permitted to undertake class 8 examination at this stage. There would be many such eventualities which Kashvi may face in future on account of her accelerated jumps at a tender age of 8 years which she and her parents might not even visualize today. However, we are also not unmindful of the fact that Kashvi may be a genius and intellectually superior child as is claimed in the petition. Therefore, taking stock of every material aspect, we do not deem it appropriate to permit her to straightaway undertake final examination of class 8. However, to balance the scales and to see her overall progress, we direct the respondents to provisionally admit Kashvi as a day scholar in class 8 in the Rainbow Public Senior Secondary School Dharamman Palampur, District Kangra, H.P. as desired by her parents. The school is stated to be affiliated to respondent No.3- Himachal Pradesh Board of School Education Dharamshala, District Kangra, H.P. At the request made by learned counsel for the petitioner, this school is impleaded as respondent No. 4 in the petition. We have been informed that session of class 8 has just commenced. In case Kashvi takes provisional admission as a day scholar in class 8 in the said school, then her overall progress shall be monitored on regular basis by the concerned school authorities. She would be allowed to provisionally appear in all the class tests, term examinations and all related school activities etc. Respondents No. 3 and 4 shall file their reports regarding over all progress of Ms. Kashvi in every field, be it sports, extra curricular activities, academic as well as her



emotional, physical and mental well sical and being, before the next date. Further order in the matter shall be passed after seeing the over all progress of the child. It is clarified that this such further order shall be subject orders as may be passed in this matter and shall not bestow any equity in favour of the petitioner."

15. Thereafter, the writ petition was disposed off finally vide order dated 05.05.2020 with the following observations :-

"2. On perusal of the affidavit, we are satisfied about the progress made by student Ms. Kashvi, who is provisionally ordered to be admitted to the 8th standard, in every field such as academic sports, extracurricular activities, emotional, physical and mental as well.

3. In view of the above, nothing remains to be decided in the present matter. Respondent No.4 may continue to supervise the academic and other activities of the petitioner and that she may be allowed to attend regular classes and eventually permitted to appear in the examinations against 8th standard whenever the same are scheduled to take place."

16. The High Court of Madras in the case of **National Testing Agency, Rep. by TSG, NEET Unit, Uttar Pradesh Vs. Minor SP. Shree Harini Rep. by her father and Natural Guardian, G. Saravakumar & Others** reported in 2021 Supreme (Mad) 1873 had an occasion to consider the factum of age relaxation for taking permission to appear in the NEET examination seeking age relaxation as observed as under :-

"4. It is pertinent to note that the first respondent has pursued her +2 examination through the Central Board of Secondary Education (in short, CBSE) which is a national level Board of Education in India for public and private schools, controlled and managed by the Union of India and as per the Guidelines of Central Board of Secondary Education, the minimum age to appear in the 10th board examination is 14 years as on 31st of December of the year of the examination. The first respondent was given double promotion from 7th standard to 9th standard and allowed her to appear for 10th board examination even before completing 14 years of age and there was no objection all along by CBSE for the first respondent and even to appear for 12th board examination while she was below the age of 16. Therefore, when the first respondent has been permitted by the CBSE to complete her 12th board examination even



before the age 16, I feel that there may be no justification on the part of the 3rd respondent to reject her request for age relaxation. However, since the Rule is specifically provided a bar, which this Court cannot struck down. The Rules prescribed by CBSE vis-a-vis the Regulations on Graduate Medical Education, 1997 are contradictory to each other since the CBSE has not raised any objection for the first respondent to appear for 12th board examination even before the age of 16, while the Regulation 4(1) of the Regulations on Graduate Medical Education, 1997 framed by the MCI, insists the incumbent to complete the age of 17 years on or before 31st December of the year to become eligible to appear for examination for admission to the MBBS Course. Thus, while permitting the first respondent to clear 12th board of examination even prior to age of 16 by CBSE which is controlled and managed by the Union of India, considering her intelligence and maturity, the MCI which is also controlled and managed by the Union of India, cannot take away the legitimate expectation of the respondent by denying her the opportunity to appear for NEET 2021 examination, which will hit by 'doctrine of legitimate expectation and amounts to denial of right guaranteed under Article 14 of the Constitution of India. However, as concluded by my learned Sister Judge, the minimum age limit of 17 years does not permit the first respondent to participate in the NEET-2021 examination unless and otherwise, the said Rule is reconsidered by the MCI, this anomaly would continue. In fact, in similar circumstances, though while non-granting the relief, a Division Bench of Andhra Pradesh High Court (consisting Hon'ble Mr. Justice V. Ramasubramanian and Hon'ble Mr. Justice N. Balayogi) in W.P.No.31337 of 2016, dated 21.09.2016, having taken note of these kind of situations, has observed as under in para 4:

"4. But hard cases cannot make bad law. Therefore, in view of the decision in Master Alli Sai Derpak (supra), these Writ Petitions are dismissed. But before parting, we would like to record our concern that the Medical Council of India (MCI) should take a call on such cases, as cases of persons whose age falls short by a few days, cannot really be considered as under-aged. The concept of considering a person as under-aged may apply to persons who could not have completed SSLC at a particular time or who could not have completed Intermediate at a particular



time and it cannot be applied to cases where the candidates have broadly entered into the required age, but had not completed the same due to the shortage of few days.

5. Having regard to the above, I am of the view that the MCI has to look at the concern of such students and come up with some solution."

17. Although the writ petition was dismissed by the Court, however, certain observations were made with respect to the aspect of age relaxation looking to the capability and extraordinary characteristics of the candidate/student. If the aforesaid principles are applied to the facts and circumstances of the present case, it is seen that the petitioner is under age and he has successfully passed from Class 1 to 8 with flying colours, being under age in terms of National Education Policy, 2020, however he is capable and is having extraordinary qualities and brilliant academic career. He has undergone the IQ test duly conducted by the private Institution i.e. 360 Degree Change Transformation Pvt. Ltd. Sadgun Brain Academy, Jabalpur wherein the Counselor's remarks are found to be excellent. The petitioner has also preferred an application seeking provisional admission in the school. The Academic Session has already commenced and classes are going on. Clause 4.1 of the National Education Policy, 2020 is not mandatory in nature. It has been formulated looking to the fact that the age limit has been prescribed looking to the overall development of the child/student. However, it does not speak of what is to be done in case when the student is exceptionally brilliant and is able to understand the pros and cons.

18. Article 21 of the Constitution of India provides Right to Education. Right to Education cannot be curtailed by imposing a condition regarding age limit. There are several instances which point out that if an underage child can perform exceptionally well and his understanding level is on a higher side, then the



exceptional qualities of such student/candidates cannot be suppressed or overlooked merely on the ground of he being underage.

19. Under these circumstances, this Court deems it appropriate to allow this writ petition with a direction to the respondents/CBSE Board as well as the respondent No.6/Institution to provide provisional admission in Class 9 in the respondent No.6/Institution. The day to day activities of the petitioner will be monitored by the Principal of the Institution. The petitioner is also directed to file representation to the Chairman of CBSE along with all the relevant papers including the reports of the petitioner within a period of 15 days from the date of receipt of certified copy of this order. The Chairman to take a final decision with respect to the petitioner's admission in Class 9 looking to his overall performance. The petitioner is directed to appear before the Medical Board of three Experts including the Psychiatrist and a Counsellor to evaluate the IQ level of the petitioner, who shall give the report regarding IQ level of the petitioner to the Principal of the Institution within a period of 15 days from the date of appearance of the petitioner before the Medical Board and the said report shall be forwarded by the Principal of the Institution to the Chairman of the CBSE Board who shall take into consideration the said IQ test report while deciding the representation of the petitioner.

20. With the aforesaid observations, the petition stands allowed and disposed off. No order as to costs.

(VISHAL MISHRA)
JUDGE