

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 29TH DAY OF MARCH 2022 / 8TH CHAITHRA, 1944

WA NO. 315 OF 2022

AGAINST THE JUDGMENT DATED 28-02-2022 IN WP(C) 6778/2022 OF HIGH COURT
OF KERALA.

APPELLANT/PETITIONER :

RITHUL DEV M. (MINOR), AGED 12,
S/O RAVEENDRAN.M, MURICHAYIMBADI HOUSE,
IRINGATH P.O, PAYYOLI VIA, KOZHIKODE - 673 523.

REPRESENTED BY HIS FATHER RAVEENDRAN M,
AGED 50, S/O KUNHIKRISHNAN NAMBIAR,
MURICHAYIMBADI HOUSE, IRINGATH P.O,
PAYYOLI VIA, KOZHIKODE, PIN - 673 523.

BY ADV MANAS P HAMEED

RESPONDENTS/RESPONDENTS :

- 1 MINISTRY OF EDUCATION,
GOVERNMENT OF INDIA,
REPRESENTED BY ITS SECRETARY,
SHASTRI BHAWAN, NEW DELHI, PIN - 110 001.
- 2 NAVODAYA VIDYALAYA SAMITI,
AUTONOMOUS BODY UNDER MINISTRY OF EDUCATION,
GOVERNMENT OF INDIA, REPRESENTED BY ITS CHAIRMAN,
INSTITUTIONAL AREA, SECTOR 62, NOIDA,
UTTAR PRADESH, PIN - 201 307.
- 3 THE TAHSILDAR, KOYILANDY TALUK,
TALUK OFFICE, KOYILANDY, KOZHIKODE, PIN - 673 305.

- 4 SECRETARY, PAYYOLI MUNICIPALITY,
 PAYYOLI, KOZHIKODE, PIN - 673 522.
- 5 VIDYALAYA MANAGEMENT COMMITTEE,
 REPRESENTED BY ITS CHAIRMAN, JAWAHAR NAVODAYA
 VIDYALAYA, PANDAKKAL, THALASSERY-PANOOR ROAD,
 MAHE, PIN - 673 310.
- 6 THE PRINCIPAL,
 JAWAHAR NAVODAYA VIDYALAYA,
 PANDAKKAL, THALASSERY-PANOOR ROAD,
 MAHE, PIN - 673 310.

R1 BY MANU.S

R2, R5 & R6 BY ADV SRI.M.K.PADMANABHAN NAIR,
ADDL.CGSC

R3 & R4 BY GP BIJOY CHANDRAN.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
29.03.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.JAYASANKARAN NAMBIAR & MOHAMMED NIAS C.P., JJ

W A No.315 of 2022

Dated this the 29th day of March, 2022

J U D G M E N T

A.K.Jayasankaran Nambiar, J.

The petitioner in writ petition No.6778 of 2022 is the appellant before us aggrieved by the judgment dated 28-02-2022 of the learned Single Judge in the writ petition. The brief facts, necessary for the disposal of the writ appeal, are as follows :

2. The petitioner, aged 12 years, was a student of Class V in the Vidyanikethan Public School, Payyoli, situated within the limits of Payyoli Municipality. He had preferred an application for consideration of his candidature as a student hailing from a rural area, under the prescribed quota for such students announced under the Jawahar Navodaya Vidyalaya's scheme, which offered seats in the said institution to meritorious candidates hailing from both rural and urban areas in the ratio of 75% : 25%. Although the petitioner was found meritorious for admission to the Jawahar Navodaya Vidyalaya, his application came to be rejected on close scrutiny since it was found that he had applied for the seat under the category earmarked for rural candidates, whereas his pursuit of studies in the Vth standard in a school situated in an urban area disentitled him to a seat under the rural category. It is aggrieved by the rejection of his

application that the petitioner approached this Court through the writ petition.

3. The learned Single Judge, who considered the matter took note of the specific provisions of the Navodaya Vidyalaya Scheme and found that the pursuit by the petitioner of his education in the Vth standard in a school situated in an urban area effectively disqualified him from preferring an application as a rural candidate. It was also found that the mere residence of the petitioner in a rural area did not confer on him any right to be included in the rural category for the purposes of admission to Jawahar Navodaya school under the Navodaya Vidyalaya Scheme. The writ petition was therefore dismissed by the learned Single Judge.

4. Before us, it is the erudite and articulate submission of Sri.Manas.P.Hameed, learned counsel for the appellant, that an overall reading of the Jawahar Navodaya Vidyalaya scheme would reveal that the underlying intention was to enable the students residing in a rural area to get better facilities for education in a Jawahar Navodaya school and hence, merely because the petitioner had attended a school in an urban area while residing in a rural area, the benefit under the Jawahar Navodaya Vidyalaya scheme ought not to be denied to the petitioner. Attractive though the submission of the learned counsel for the appellant appears to be at first blush we are afraid, we cannot accept the same for, in matters such as these, where a policy decision has been given effect to through a scheme announced by an educational agency, this Court would be loathe to interfere and suggest alternate policies for adoption by the said

educational agency. We find from a reading of the scheme that the scheme is unambiguous while stating that the criteria for determining whether a student hail from a rural or an urban area is whether or not the student is pursuing education in the Vth standard in a school situated in a rural area or an urban area. In other words, the criteria of residence of the student is wholly extraneous to the scheme aforesaid. We also find the classification effected by the framers of the scheme, between the students who had attended the schools in an urban area and rural area respectively, within the bounds of reasonableness when tested against the principles informing classification for the purposes of Article 14 of our Constitution. Thus, we see no reason to interfere with the judgment of the learned Single Judge in the instant case.

5. While the above discussion would have ordinarily sufficed to dismiss the writ appeal, on an enquiry made by us with the learned counsel for the Navodaya Vidyalaya Samithi, we are informed that as-of-today while the admissions to the Jawahar Navodaya Vidyalaya are over, there are about 8 seats left unfilled in the rural quota. Taking note of the said fortuitous circumstances, and finding that the petitioner had in fact been found meritorious for admission but thereafter denied admission only on account of his having failed the categorization as rural candidate, we deem it appropriate and in the interest of justice to direct the 6th respondent/ Principal, Jawahar Navodaya Vidyalaya, to forthwith admit the appellant herein to the VIth standard of the school under the rural category. We make it clear that the admission of the appellant to the school under the

fortuitous circumstances enumerated above, shall not be cited as precedent in any future case.

The writ appeal is disposed as above.

Sd/-
A.K.JAYASANKARAN NAMBIAR,
JUDGE

Sd/-
MOHAMMED NIAS C.P.,
JUDGE

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