

CASE NO.:
Appeal (civil) 8551 of 2002

PETITIONER:
ROHIT SINGHAL AND ORS.

RESPONDENT:
PRINCIPAL, JAWAHAR N. VIDYALAYA AND ORS.

DATE OF JUDGMENT: 18/12/2002

BENCH:
R.C. LAHOTI & BRFJESH KUMAR

JUDGMENT:
JUDGMENT

2002 Supp(5) SCR 515

The Judgment of the Court was delivered by

R.C. LAHOTI, J. Pursuant to the National Education Policy, 1986 the Government of India established Jawahar Navodaya Vidyalaya (JNV) over the country. Such schools became operational for 27 States and 6 Union Territories of the country. The schools are co-educational residential schools placed under the care of an independent organization, called Navodaya Vidyalaya Smiti, completely financially aided from Government of India. Admission in JNV are done in class VI through an entrance examination called Navodaya Selection Examination. The medium of education till class VIII is mother-tongue or regional language. From IXth standard English medium is resorted to for imparting instructions in mathematics and science. For Social Science, Hindi is the medium. The students of these schools sit in class Xth and XIIth examinations conducted by Central Board of Secondary Education. The aims of scheme are: (i) through the policy of migration, to increase national unity amongst the students; (ii) to increase and support virtuous students especially of village areas and of weaker sections of the society; (iii) to provide best education for the complete development to virtuous students; and (iv) to establish organizations at the district level which will work as resource center for increasing excellence. The scheme aimed at establishing one school in every district of the chosen States and Union Territories. 25 JNVs were opened during 2001-2002.

The petitioners are 5 young students hailing from rural background of District Bulandshar in the State of U.P. They were selected for admission into JNV. They passed VIth VIIth and VIIth standard examinations from JNV, Buklana, District Bulandshahar U.P. Their performance was satisfactory. The petitioners claim that they secured good marks at the examinations. Their schooling in Bulandshar was peaceful and without any hassles. In December, 2001, midway the session, they were transferred to JNV, Periya District Kasaragod of the State of Kerala. They reached the destination and joined the Vidyalaya on 3.12.2001. It was time for mid-term examinations. The transfer did cause interruption in regular studies. The 5 children all in the age-group of 13-14 years could not carry on well in the transferee JNV. The petitioners grievance or the explanation for their having rendered misfit at the transferee JNV is that the dialect and language commonly spoken there was Malayalam as amongst the students and teachers but there was no teacher of Malayalam for a period of two years and they failed to assimilate themselves in conversation and communication. The local children had some bias against the petitioners mainly erupted by language and cultural gulf. The teachers too, the petitioners felt, while apprised of their discomfiture sided with local children and therefore the petitioners felt alien and insecure. All this resulted in mal-adjustment. The petitioners could not assimilate with the locals and minor incidents, to

some extent violent too, erupted. The petitioners and their associates resorted to abstention from classes and abstention from taking food too-something short of hunger strike. The teachers tried to discipline the students but did not succeed. At one point of time police was also called on the campus. In January, by the time the petitioners had spent 5 or 6 weeks at Periya they were issued transfer certificates and discharged from the JNV. The transfer certificates contained remarks such as "general conduct-not satisfactory" and "reasons for leaving the school on disciplinary grounds". The child students came back to their parental land only to find their fire of frustration being fuelled by the refusal of their erstwhile JNV to accept them back. They filed a writ petition in the Allahabad High Court which has been dismissed. This is an appeal by special leave.

Leave granted.

The institutions of JNV at Buklana, Bulandshahar, at Periya, Kerala and central authorities of the organization have all been joined as respondents. They have filed their counters denying such material averments in the petition which cast any aspersions on the scheme or the teachers and take the plea that the petitioning students are unfit for the scheme and therefore do not deserve to be accommodated in JNVs. They seek dismissal of the petition and denial of prayer made by the students.

In the peculiar facts and circumstances of this case we do not propose to enter into scrutinizing merit or trustworthiness of the allegations and counter-allegations made. For our purpose it would suffice to note that young boys in the tender age of early teens coming from rural background and belonging to weaker section of the society were selected for entering into JNV system of studies. Undoubtedly, such students have to face migration into hitherto unknown lands, for them because the migration is aimed at achieving the laudable purpose of national integration which the scheme seeks to achieve by intermingling of young students of different geographical regions having different cultures and linguism. What is significant for the success of such ideological scheme is its management with care and caution. The teachers and managers associated with the scheme ought to know that such attempt at blending of cultures and thereby achieving national integrity and unity is bound to have some initial inherent reluctance, more so, when children of tender age used to enjoying love and affection below the protective umbrella of parental care are made to move across the country such as from UP to Kerala in the present case. Care and caution is needed to see that tender feelings of innocent young children do not get hurt and do not get infuriated into emotional outburst which if takes place would not only be unfortunate but will also be counter-productive and destructive of the very purpose sought to be achieved. While the transferees should be motivated for assimilation in the new environment, the locals should also be motivated to accept them. A greater responsibility lies on teachers of suitably moulding the pattern of emotional behaviour of the children sought to be brought together. Particular attention needs to be devoted in the initial period of children coming together. Children by their very nature soon give up the initial hesitation and mix up with those of their age-group.

Children are not only the future citizens but also future of the earth. Elders in general, and parents and teachers in particular, owe a responsibility for taking care of the well being and welfare of children. The world shall be a better or worse place to live according to how we treat the children today. Education is investment made by the nation in its children for harvesting a future crop of responsible adults productive of a well functioning society. However, children are vulnerable. They need to be valued, nurtured caressed and protected. Developing an essentially symbiotic relationship between children coming from different cultural backgrounds having different dialect, diet and desires-childlike and innocent-need thoughtful approach so as to reach the coveted goal of an integrated nation.

We are little surprised to note how the young students who qualified at the selection and peacefully and successfully prosecuted their studies for three years in Buklana became violent, indisciplined or unsatisfactory soon on reaching Periya. There is something wrong somewhere. It would be a risky affair indeed for us to embark upon or tread into such areas as should better be left for consideration of child psychology experts and educationists. We are however definitely of the opinion, in the facts and circumstances of the case, that the appellants ought to be dealt with sympathy and shown indulgence far from being penalized for their so-called indiscipline which, it appears is nothing but a manifestation of mat-adjustment.

The appeal is allowed. The impugned decision of the High Court is set aside. Instead it is directed that the appellants shall be taken back as regular students of Jawahar Navodaya Vidyalaya, Buklana, Bulandshahar, U.P., and allowed to prosecute their studies as regular students of IXth standard and also allowed to appear at the ensuing final examination. The adverse entry, if any, made in the records of the students shall stand expunged. The appellants shall not be treated as failures or as those passing IXth standard examination in second attempt. After passing the IXth standard the appellants shall be available for prosecuting their further studies consistently with JNV scheme.

The learned counsel for the appellants prayed that the appellants, - in the facts and circumstances of the case, for which they cannot be blamed, have lost one valuable year of their educational career and they should be allowed to take both IXth and Xth standard examinations in this year. We are not inclined to allow that prayer. The appellants might have prosecuted their studies at their home but what is required for Xth standard examination conducted by CBSE is their regular attendance and receiving instructions in the school which they have not done. They should pass IXth standard examination and thereafter prosecute Xth standard studies.

Before parting we would like to clarify that this judgment is not, nor is intended to be, any observation, much less a criticism, of the scheme or teachers or management of the schools either at Buklana, Bulandshahar or at Periya Kerala. The teachers must have presumably done their best to salvage the situation. Yet we feel the need for more care and caution and some additional thinking for better and successful implementation of the scheme the utility whereof in national interest cannot be doubted. The worth of the scheme shall be assessed by its success and not by failures.

The appeal is disposed of in the abovesaid terms with no order as to the costs.