



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 14712 of 2025

Ashutosh

.....Petitioner(s)

Versus

Union Of India And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Chandra Prakash Awasthi
Counsel for Respondent(s)	: A.S.G.I., C.S.C., Gambhir Tripathi, Rajesh Tripathi

Court No. - 38

HON'BLE SIDDHARTH NANDAN, J.

1. The present writ petition has been filed seeking a mandamus commanding respondent no.4 for admitting the petitioner in Class-VI in PM Shri School Jawahar Navodaya Vidyalaya, Duredi, District- Banda.

2. It is the case of the petitioner that he was duly admitted in the aforesaid school and his date of birth as per the birth certificate issued by the Registrar (Births and Deaths), Gram Panchayat, Mahuta, is 03.05.2013, but for the reasons best known to the respondents perhaps the Principal of the institution was suspecting the age of the petitioner to be more than 15 years and accordingly, he had sought opinion from the medical board, to determine the age of the petitioner; and accordingly the Chief Medical Officer, Banda i.e. Respondent no.5 had sent a letter dated 16.04.2025, that the age of the petitioner is about 15 years; and therefore he cannot be admitted.

3. Learned counsel for the respondents has relied upon the prospectus for admission to Class VI in Jawahar Navodaya Vidyalaya wherein under the eligibility clause, more particularly Clause 4.2, it has been mentioned that a candidate seeking admission must not born before 01.05.2013 and after 31.07.2015. He has further submitted that in a doubtful case of overage, in comparison to the age recorded in the certificate, which has been issued by the Government authority, the candidate may be referred to the medical board for confirmation of the age and the decision of the medical board will be treated as binding and final.

4. Per contra, learned counsel for the petitioner has submitted that the birth certificate has been issued under Section 12/17 of the Registration of Births and Deaths Act, 1969 and Rule 8(3) of the Uttar Pradesh Registration of Births and Deaths Rules, 2002 and as such, it has a presumption of its validity and at no point of time the said certificate has been cancelled; and accordingly, it is not within the domain of the authorities concerned to doubt the certificate issued under the statutory provision and even otherwise the opinion of medical board cannot override the certificate which has been issued under a statutory provision.

5. At this juncture, learned counsel appearing on behalf of Union of India seeks time to place judgment to the effect that their prospectus override statutory provision and can also dislodge the presumption of the validity of a certificate issued under an enactment. It may also be noted that the birth certificate has been found to be genuine as submitted by learned counsel for the respondents.

6. List this case tomorrow i.e. 10.04.2026 at 2.00 PM, along with connected matter.

(Siddharth Nandan,J.)

April 9, 2026
Sumit K.