



2026 INSC 865

REPORTABLE
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). OF 2026
(Arising out of SLP (Civil) No(s).24310-24311 of 2026)

ADARSH DINKAR SONTAKKE
(MINOR) & ORS. ETC. APPELLANT(S)

VERSUS

NAVODAYA VIDYALAYA
SAMITI & ORS. ETC. RESPONDENT(S)

J U D G M E N T

Mehta, J.

1. Heard.
2. Leave granted.
3. These appeals with special leave are preferred by the appellants herein seeking to assail the judgment dated 10th July, 2026 rendered by Division Bench of the High Court of Judicature at Bombay, Nagpur Bench, Nagpur¹ in Writ Petition No.4157 of 2026 titled as ***Arpita Santosh More (Minor) v.***

¹ Hereinafter, referred to as “the High Court”

Navodaya Vidyalaya Samiti & Ors., following which, identical order was passed in Writ Petition No.3796 of 2026 titled as ***Gargi Nitesh Rasse (Minor) thr. her natural guardian father Nitesh Hemkant Rasse & Ors. v. Navodaya Vidyalaya Samiti & Ors.***

4. The short question that falls for determination in these appeals as to whether appellants whose schools are situated within the limits of a Nagar Panchayat, an area constituted under Article 243-Q(1)(a) of the Constitution of India and described as a “transitional area” under Section 341-A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965², can be treated as candidates from an “urban area” and thereby be denied the benefit of the Rural Category reservation i.e., 75% of seats under the Jawahar Navodaya Vidyalaya Selection Test Scheme 2026³ notwithstanding that they had otherwise qualified on merit and had been provisionally selected.

² In short, “the 1965 Act”

³ Hereinafter, referred to as “JNVST-2026”

5. For ready reference, Article 243-Q of the Constitution of India has been reproduced hereunder:

“243Q. Constitution of Municipalities –

(1) There shall be constituted in every State, -

- (a) a Nagar Panchayat (by whatever name called) for a transitional area, that is to say, an area in transition from a rural area to an urban area.
- (b) a Municipal Council for a smaller urban area; and
- (c) a Municipal Corporation for a larger urban area,

in accordance with the provisions of this Part:

Provided that a Municipality under this clause may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed to be provided by an industrial establishment in that area and such other factors as he may deem fit, by public notification, specify to be an industrial township.

(2) In this article, 'a transitional area', 'a smaller urban area' or 'a larger urban area' means such area as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit, specify by public notification for the purposes of this Part.”

6. The Division Bench of the High Court whilst deciding the lead matter of **Arpita Santosh More** (*supra*) held as below:

“30. Thus, a 'Transitional Area' is neither a smaller urban area nor a larger urban area. At the same time, it cannot be treated as a rural area. Once a notification declaring an area as a 'Transitional Area' is issued, the area no longer remains a rural area because the process of its transition from a rural area to an urban area has begun and is in progress.

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32. Thus, there is no element of doubt that the specification of areas, as transitional areas, smaller urban areas or larger urban areas is indicative of the fact that by their very nature, these areas have ceased to be, rural in nature and characteristics. Clause (2) of Article 243-Q requires the Governor; to have due regard to the population of the area, the density, of population, the revenue generated. For local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as he may deem fit. These are all indicia of urbanization as distinct from a predominantly rural area.

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37. After considering the object of establishment of Jawahar Navodaya Vidyalaya where for the upliftment of rural students 75% seats are reserved for rural students, we cannot accept the definition of a 'rural area' which the petitioner has relied upon, i.e., an 'urban area' is that which is notified by the Government and all other areas are 'rural areas'.

38. Whereas, the definition of a 'rural area' which says that the area nor notified as a 'rural area' by the Government will be an urban area, is the correct definition which will help to achieve the manifest purpose of the scheme of Jawahar Navodaya Vidyalayas.

39. Thus, we hold that for the admission in rural quota in Jawahar Navodaya Vidyalayas, the areas which are not notified by the Government as rural areas will be considered as urban areas.”

7. Thus, primarily the High Court was of the view that once the areas in which the schools from which the appellants studied in previous classes were declared to be transitional areas, they lost the character of students of rural areas and as such, could not be admitted against the 75% seats reserved for the said category.

8. The High Court further held that for admission in rural quota in Jawahar Navodaya Vidyalaya, the areas which are not notified by the government as rural areas would be considered as urban areas.

9. Learned Counsel Shri Chapalgaonkar Siddharth Sarang representing the appellants vehemently urged that the judgment rendered by the High Court in **Arpita Santosh More** (*supra*) case is *per incuriam* as the Division Bench has taken a totally converse view from the earlier prevailing view of the Division Bench of the very same Court in the case of **Jiya Jitendra Nagrale v. State of Maharashtra** being Writ Petition No.5598 of 2023 decided on 23rd

April, 2024. The learned counsel referred to Article 243-Q of the Constitution of India and urged that the same deals with the constitution of municipalities and provides for three steps set out in clause (a), (b) and (c).

10. He submitted that the areas in which the schools attended by the appellants were situated had been notified as Nagar Panchayats in 2015; but thereafter no further steps were taken to declare the said areas to be a municipal council for a smaller urban area or a municipal corporation for a larger urban area. Hence, as per Shri Sarang, the areas in question continued to remain transitional areas and could not be treated as urban areas. He urged that for a rural area to be converted to an urban area, a specific notification to that effect is required to be issued. Until and unless such notification is made, the area would continue to retain its rural character.

11. It was submitted that the very concept of a transitional area indicates that till the transition is completed, the original character of the area in question would be retained. Shri Sarang referred to the Division Bench Judgment in the case of **Jiya Jitendra Nagrale** (*supra*) wherein, after a detailed

discussion of Article 243-Q(1)(a), it was held that merely because a Nagar Panchayat is constituted that by itself would not mean that the rural area automatically becomes an urban area. Reference was also made to the observations made in Para No.8 of the said judgment to point out that in the said case, there was a draft notification issued under Section 341A of the 1965 Act but no final notification had been issued and yet the High Court treated the students hailing from the transitional areas as entitled to the seats reserved for rural students.

12. It was further submitted that the concerned Government officers have continued to issue rural area certificates to the appellants, which have been placed on record along with a rejoinder. These certificates were issued in April, 2026 and conclusively establish that the appellants are residents of rural areas even as on date and are thus entitled to be admitted against the seats reserved for the rural category students based on their merit position.

13. It was further submitted that provisional admission certificates had been issued to the appellants but subsequently, the respondents, taking

note of the notification of the area being declared as a Nagar Palika (transitional area), refracted their stance and denied the benefit of reservation to the appellants on the ground that they no longer retained the status of rural area students.

14. It was contended that indisputably, the appellants were provisionally selected from rural quota for admission in standard VI of Jawahar Navodaya Vidyalaya, Chandrapur District, Maharashtra for the academic session 2026-2027 but were denied final admission on the ground that for a few months in 3rd Standard, they had taken admission and studied in schools situated at Pombhurna, Sindewahi, Gondpipri and Sawali which were located in Nagar Panchayat (transitional areas) and hence, they did not retain the character of rural area students.

15. Shri Sarang submitted that the Division bench while deciding the lead matter of **Arpita Santosh More** (*supra*) took note of judgment in **Jiya Jitendra Nagrale** (*supra*). However, by placing reliance on a judgment of Allahabad High Court, the view taken by a co-ordinate Bench of the same High Court was brushed aside and hence, it was the contention of

learned counsel for the appellants that the Division Bench judgment deserves to be annulled on the ground of it being *per incuriam*. It was urged that if at all the Division Bench was of a view that **Jiya Jitendra Nagrale** (*supra*) did not lay down the correct exposition of law then the proper and only permissible course would be to refer the same to a full Bench of the High Court. However, by relying on a judgment of another High Court, the existing view of a Division Bench of the same High Court could not have been bypassed.

16. It was submitted that the Unified District Information System for Education⁴ Guidelines dated 27th March, 2026, which dispensed with the requirement of the Rural area certificate, could not be applied to the appellants, as the same were issued after the selection process had concluded. The last date for applications was 29th July, 2025, the examination was held on 13th December, 2025 and the results, along with provisional selection, were declared on 10th March, 2026. The Prospectus governing the entire process contains no reference to

⁴ Hereinafter, referred to as 'UDISE'

UDISE, and the candidates were not informed that their eligibility would be determined on the basis of the classification reflected in the UDISE portal. Reliance was placed on ***K. Manjusree v. State of A.P.***⁵, to contend that the criteria governing a selection cannot be altered after the process has commenced, particularly to the prejudice of candidates who have already been selected.

17. It was further submitted that the UDISE Guidelines have been relied upon by the respondents to dispute the appellant's eligibility while disregarding the valid Rural Area Certificates issued to them by the Tahsildars.

18. Clause 3.7 of the Prospectus expressly recognises the District Magistrate, Tahsildar and Block Development Officer as competent authorities for certifying the rural status of a school. It was therefore contended that an entry in the UDISE portal, which is not referred to in the Prospectus, could not impinge upon the validity and legal force of the certificates issued by the authorities recognised under the Prospectus, nor could the subsequent

⁵ (2008) 3 SCC 512

Guidelines alter the eligibility criteria already notified.

19. *Per contra*, Shri S. Rajappa, learned counsel appearing for the respondents vehemently and fervently opposed the submissions advanced by learned counsel for the appellants. It was urged that the very purport of Article 243-Q is to constitute municipal areas by upgrading the rural areas. For this purpose, the initial step is the constitution of the Nagar Panchayat, thereafter, a municipal council and finally a municipal corporation depending upon the density of population, the land area and the revenue generated for local administration, etc.

20. It was submitted that once the declaration of an area as a Nagar Panchayat is made under Article 243-Q(1)(a), the rural character of the area is permanently lost and thus, the students who hail from such areas would not be entitled to claim admission against the seats reserved for the rural area students in the Navodaya Vidyalaya. He thus urged that the view taken by the High Court in ***Arpita Santosh More*** (*supra*) following the judgment of Allahabad High

Court in ***Rakam Singh v. State of Uttar Pradesh***⁶ is the correct interpretation of law and thus, no interference is called for in the impugned judgment.

21. It was further submitted on behalf of the respondents that the circular dated 27th March, 2026 did not introduce any new eligibility condition. The requirement that a candidate must have studied in a school situated in a rural area during Classes III, IV and V was already prescribed in the Prospectus. According to the respondents, the UDISE portal was introduced only as a mechanism for verification of the rural or urban status of schools, with a view to ensuring uniformity in verification and preventing ineligible candidates from claiming the benefit of the Rural Category. It was further submitted that candidates whose schools were reflected as rural on the UDISE portal were not required to furnish a separate Rural Area Certificate, which was only a measure intended to simplify the verification process. It was, therefore, contended that the Guidelines neither altered the eligibility criteria nor operated retrospectively. They merely prescribed the manner

⁶ 2015 SCC OnLine All 7509

in which compliance within an existing eligibility criterion was to be ensured.

22. We have given our thoughtful consideration to the submissions advanced at bar and have gone through the impugned judgment. We have also carefully perused the judgment in ***Jiya Jitendra Nagrale*** (*supra*).

23. We feel that the Division Bench, while rendering the judgment in ***Arpita Santosh More*** (*supra*) has taken a diagonally opposite view to that taken by the earlier Division Bench in ***Jiya Jitendra Nagrale*** (*supra*). For the sake of ready reference, the relevant conclusions from ***Jiya Jitendra Nagrale*** (*supra*) are quoted hereinbelow:

“7. A perusal of Article 243-Q (1)(a) of the Constitution of India, would indicate that a Nagar Panchayat is to be constituted for a transitional area, that is to say, an area in transition from a rural area to an urban area. Merely, because a Nagar Panchayat is constituted that by itself does not mean that the rural area automatically becomes an urban area, this is more so for the reason, that Article 243-Q (2) defines what is meant by a "transitional area", "a smaller urban area" or "a larger urban area", depending upon the density of the population, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as may be prescribed in that regard. The action of defining an area as "a transitional area", "a smaller urban area" or "a larger

urban area", under Article 243-Q (2) of the Constitution of India, has to be done by the Governor.

8. In the instant case, though there is a draft Notification pointed out to us issued in pursuance to Section 341-A of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965, which is dated 01.03.2014, there is no final notification in that regard, which has been placed on record or brought to our notice. Even if we presume, that there is a final notification in existence, that would only indicate that the area of Nagar Panchayat Maregaon, is a Transitional area in terms of Article 243-Q-(1) (a) and (2) of the Constitution of India. That-by itself, does not turn it into an urban area so as to deprive the petitioner No. 2 of the benefit of the same.

9. The certificate issued dated 17.08.2023 issued by the Panchayat Samiti Maregaon, is merely based upon the language of Article 243-Q of the Constitution of India and does not indicate that it is issued after any compliance, with the provisions of Article 243-Q (2) of the Constitution of India, which could only be indicated by the Notification by the Governor in that regard, which is absent.

10. It would therefore be appropriate, to grant the benefit of Nagar Panchayat Maregaon being a transitional area to the petitioner No.2, in view of which, the impugned communications as indicated above are hereby quashed and set aside and the respondent No.2 is directed to continue the admission of the petitioner No.2."

24. Having gone through the conclusions in the two conflicting views of the Benches of co-equal strength of the High Court, we find that the Division Bench in **Arpita Santosh More** (*supra*) has virtually overruled the ratio of the judgment in **Jiya Jitendra Nagrale**

(*supra*) which *ex facie* runs contrary to the principle of *per incurium*.

25. This Court in a series of judgments has laid down that when there exists an exposition of law by a Bench of the High Court, a Bench of co-equal strength cannot take a different view unless, of course, in its opinion, the earlier judgment has been rendered in ignorance of a provision of law or the law as laid down by a larger Bench of the same Court or a judgment rendered by this Court which is binding under Article 141 of the Constitution of India. This Court, in ***U.P. Gram Panchayat Adhikari Sangh v. Daya Ram Saroj***⁷, observed that:

“26. Judicial discipline is self-discipline. It is an inbuilt mechanism in the system itself. Judicial discipline demands that when the decision of a coordinate Bench of the same High Court is brought to the notice of the Bench, it is to be respected and is binding, subject of course, to the right to take a different view or to doubt the correctness of the decision and the permissible course then open is to refer the question or the case to a larger Bench. This is the minimum discipline and decorum to be maintained by judicial fraternity.”

26. Similarly, a Constitution Bench of this Court in ***Central Board of Dawoodi Bohra Community v.***

⁷ (2007) 2 SCC 138

State of Maharashtra⁸ has summarised the law governing the binding effect of decisions rendered by Benches of different strengths in the following terms:

“12. Having carefully considered the submissions made by the learned Senior Counsel for the parties and having examined the law laid down by the Constitution Benches in the abovesaid decisions, we would like to sum up the legal position in the following terms:

(1) The law laid down by this Court in a decision delivered by a Bench of larger strength is binding on any subsequent Bench of lesser or coequal strength.

(2) [Ed.: Para 12(2) corrected vide Official Corrigendum No. F.3/Ed.B.J./21/2005 dated 3-3-2005.] A Bench of lesser quorum cannot disagree or dissent from the view of the law taken by a Bench of larger quorum. In case of doubt all that the Bench of lesser quorum can do is to invite the attention of the Chief Justice and request for the matter being placed for hearing before a Bench of larger quorum than the Bench whose decision has come up for consideration. It will be open only for a Bench of coequal strength to express an opinion doubting the correctness of the view taken by the earlier Bench of coequal strength, whereupon the matter may be placed for hearing before a Bench consisting of a quorum larger than the one which pronounced the decision laying down the law the correctness of which is doubted.”

(Emphasis supplied)

27. In the present case, none of the circumstances which could justify a departure from the earlier view is shown to exist. More importantly, in para 40 of ***Arpita Santosh More*** (*supra*), the Division Bench

⁸ (2005) 2 SCC 673

has explicitly declared the law as laid down in **Jiya Jitendra Nagrale** (*supra*) to be incorrect without assigning any logical or rational reason behind such finding. On this ground alone, quite apart from the merits, the impugned judgment cannot be sustained.

28. Coming to the merits, in our considered view, the text of Article 243-Q(1) itself provides a clear indication of the constitutional scheme, which does not appear to have received due consideration by the High Court while deciding **Arpita Santosh More**(*supra*). Clause (a) refers to “a transitional area, that is to say, an area in transition from a rural area to an urban area”, whereas clauses (b) and (c) employ the expressions “a smaller urban area” and “a larger urban area”, respectively. The Constitution has, therefore, specifically used different expressions in the three clauses. It is a well-settled principle of interpretation that where different words are employed in the same provision, they are ordinarily intended to bear different meanings. Equally, effect must be given to every expression used in the Constitutional provision, and no part of the provision should be rendered redundant. If “transitional area” were to be understood as synonymous with an

“urban area”, the distinction maintained in clause (a) would serve no independent purpose, as clauses (b) and (c) would sufficiently cover the field.

29. The scheme of the 1965 Act also supports this distinction. Under Section 3(2), the State Government may specify an area as a “smaller urban area” or a “larger urban area”, upon which a Municipal Council or a Municipal Corporation, as the case may be, is to be constituted. Section 341-A, on the other hand, empowers the State Government to declare an area to be “in transition from a rural area to an urban area”, leading to the constitution of a Nagar Panchayat. The Legislature has, thus, treated a transitional area as a category distinct from a smaller urban area.

30. This distinction is further amplified by virtue of Section 341-D, which contemplates a subsequent stage when a transitional area attains the status of a smaller urban area. It is only upon the issuance of a notification under that provision that the Nagar Panchayat stands abolished and the area is declared to be a smaller urban area. Section 341-C also proceeds on the same premise by manifesting that the provisions applicable to a Municipal Council do

not apply to a Nagar Panchayat unless specifically extended by notification. The statutory scheme, therefore, does not place a Nagar Panchayat on the same footing as a Municipal Council.

31. Indisputably, no notification under Section 341-D has been issued in respect of Pombhurna, Sindewahi, Gondpipri or Sawali where the schools in question were located. Consequently, these areas continue to be governed by the notification of transitional areas under the statutory framework. Read as a whole, the provisions of the 1965 Act maintain a clear distinction between a transitional area and a smaller urban area, and that distinction cannot be ignored while construing Article 243-Q of the Constitution of India or the provisions of the 1965 Act.

32. Since considerable reliance was placed by the High Court, as well as by the learned counsel for the respondents, on the decision of the Allahabad High Court in ***Rakam Singh*** (*supra*), it would be appropriate to examine the scope of that decision.

33. The issue before the Allahabad High Court arose in an entirely different statutory and constitutional context. The petitioner, who intended to contest

elections to the Zila Panchayat, challenged the constitutional validity of Section 12-A of the Uttar Pradesh Industrial Area Development Act, 1976⁹ and the notification dated 14th January, 2015 concerning the reconstitution and delimitation of Gram Panchayats within the jurisdiction of NOIDA and Greater NOIDA.

34. Section 12-A of the 1976 Act provides that where an industrial development area is specified as an “industrial township” under the proviso to Article 243-Q(1) of the Constitution of India, the area ceases to form part of a Panchayat area and the Panchayat constituted for such area stands dissolved. The question before the Allahabad High Court was whether this statutory consequence was consistent with Part IX of the Constitution and it was in that context that ***Rakam Singh*** (*supra*) was decided.

35. However, the present case stands on an entirely different footing. It does not concern an industrial township constituted under the proviso to Article 243-Q(1), but a Nagar Panchayat constituted under clause (a) of Article 243-Q(1) during a transitional

⁹ For short, “the 1976 Act”

phase. The constitutional basis, purpose and statutory consequences of both scenarios are entirely distinct. As noticed in paragraph 16 of ***Rakam Singh*** (*supra*), an industrial township is treated as a subset of an urban area for the purposes of the proviso to Article 243-Q(1). The decision, therefore, proceeded on the premise that the area in question possessed an urban flavour before its specification as an industrial township.

36. That is not the position in the present case. It is undisputed that no notification declaring Pombhurna, Sindewahi, Gondpipri or Sawali to be a smaller urban area has been issued. The High Court has principally relied upon the observations contained in paragraph 15 of ***Rakam Singh*** (*supra*), wherein the constitutional scheme under Parts IX and IX-A was discussed whereas the same was in entirely different geographical and factual context.

37. Those observations thus have to be understood in the context of the issue that arose for consideration in that case. The question before the Allahabad High Court was the constitutional validity of a statutory provision governing industrial townships under the proviso to Article 243-Q(1). The

present case raises an entirely different question, namely, the legal status of a transitional area constituted under clause (a) of Article 243-Q(1) and its relevance for determining eligibility of the students residing in such area against the seats reserved for rural students under the Jawahar Navodaya Vidyalaya Scheme. It is well settled that a judgment is an authority for the question that it decides and not for every observation contained therein. The observations in **Rakam Singh** (*supra*) must therefore be read in the context of the factual matrix before that Court and cannot be treated as laying down a general proposition governing every issue arising under Article 243-Q.

38. It is also relevant to note that **Rakam Singh** (*supra*) was not concerned with the interpretation of Clause 4.7 of the Jawahar Navodaya Vidyalaya Prospectus, the object of the JNV Scheme, or the question whether a transitional area should be treated as rural or urban for the purpose of determining eligibility under that Scheme. Those issues were totally alien to the controversy prevailing in **Rakam Singh** (*supra*). In these circumstances, we are of the view that the decision in **Rakam Singh**

(*supra*) had no application to the facts of the present case, and the reliance placed upon it by the High Court was clearly erroneous.

39. Coming to JNVST-2026 Prospectus, Clause 4.7 in material part, provides:

“A candidate who has studied in a school located in an urban area even for a single day of session in Class-III, IV and V will be considered as an urban candidate. Urban areas are those which are so defined by any Government notifications on the last date of submission of application for JNVST registration. All other areas will be considered as rural.”

40. The language used is clear. For the purposes of the Prospectus, an area is to be treated as urban only where it has been so notified by the Government. In the absence of such a notification, it falls within the category of rural area be it transitional or residual. The clause does not envisage any further sub-classification. The interpretation accepted by the High Court proceeds on the premise that a transitional area, though not notified as an urban area, should nevertheless be treated as urban. Such an interpretation does not accord with the language of Clause 4.7. The Prospectus itself makes the existence of a Government notification the

determinative criterion for treating an area as urban. It would neither be appropriate nor justified to read into the Prospectus a category that it does not expressly provide for. This is particularly so where the interpretation adopted determines eligibility under a beneficial educational scheme. It is well settled that where an authority frames the norms governing its own selection process, it is bound to act in accordance with those norms. The respondent-Samiti must, therefore, apply the Prospectus as framed and cannot introduce an additional criterion not found therein.

41. Upon noticing the chronology of the events in the case at hand, it is not disputed that the last date for submission of applications was 29th July, 2025; the selection test was conducted on 13th December, 2025; and the results, along with the provisional selection letters, were issued on 10th March, 2026. The UDISE Guidelines were issued only on 27th March, 2026, after the selection process had concluded. It is also not in dispute that the Prospectus governing JNVST-2026 does not contain any reference to the UDISE portal or to the classification recorded therein. Candidates who

applied pursuant to the Prospectus were, therefore, not put to notice that their eligibility under the Rural Category would be determined with reference to entries in the UDISE database.

42. It is well settled that a selection process must ordinarily be governed by the criterion that was in force when the process commenced. While the scope of the principle popularly described as the “rules of the game” doctrine has been considered by the Constitution Bench in ***K. Manjushree*** (*supra*), there is little doubt that eligibility conditions governing an ongoing selection cannot ordinarily be altered to the prejudice of candidates who have participated on the basis of the notified norms.

43. In the present case, the appellants submitted their applications, appeared in the examination and were provisionally selected in accordance with the Prospectus as it stood. The subsequent issuance of the UDISE Guidelines cannot, therefore, furnish a basis to revisit their eligibility for JNVST-2026.

44. This is not to suggest that the respondents are precluded from adopting a uniform mechanism for verification in future admissions. If the respondent-Samiti considers it appropriate to rely upon the

UDISE classification for determining the rural or urban status of schools, it is at liberty to incorporate such a criterion in the Prospectus or other governing documents applicable to future admission cycles. Once such a requirement is notified in advance, all candidates would have clear notice of the basis on which their eligibility is to be assessed.

45. However, a criterion introduced in the midst of or after the completion of the selection process cannot be applied retrospectively to govern admissions already under process.

46. There is another aspect of the matter. Following the declaration of the results, the appellants were issued provisional selection letters. Acting upon those communications, they obtained Transfer Certificates from their respective schools and altered their position on the assumption that their admissions would be processed in accordance with the Prospectus. In these circumstances, the respondents could not, after the conclusion of the selection process, rely upon subsequently issued guidelines to deny admission to the appellants. Such a course would be inconsistent with the manner in which the selection process was notified and

conducted and thus would have to be struck down as being arbitrary and unjust.

47. Hence, we are of the firm view that the exposition as made by the learned Division Bench of the High Court in ***Arpita Santosh More*** (*supra*) and subsequently followed in ***Gargi Nitesh Rasse*** (*supra*) is not the correct proposition in law. The conclusions drawn in the said judgment that the mere declaration of the area in question to be a transitional area under Article 243-Q (2) of the Constitution of India would bring the same within the category of urban areas and in turn imply that the area no longer remains a rural area because the process of transition has begun, is neither the pragmatic view nor one that stands to reason.

48. The presumption, in our opinion, would operate in favour of treating the area in question to be rural till the final transition takes place. It is our firm opinion that until and unless the final notification declaring the area under question to be a municipality as per the header of Article 243-Q of the Constitution of India is issued, the transitional area would definitely retain its character as a rural area.

49. Hence, the impugned judgments do not stand the scrutiny and are hereby set aside.

50. The appellants who have qualified and succeeded on merit in the written examination for being admitted in the class VI of the Jawahar Navodaya Vidyalaya, shall be duly and forthwith admitted into the said school.

51. Accordingly, the respondents are directed to grant admission to the appellants who have qualified and succeeded in the written examination to Class VI of the Jawahar Navodaya Vidyalaya against the seats reserved for the Rural Category forthwith. If the academic session has already commenced, the respondents shall take appropriate steps, including by providing bridge classes or such other academic support as may be necessary, to ensure that the appellants are able to cover the missed academic exercises and continue their studies without any disadvantage.

52. We make it clear that this judgment is confined to the admission process for JNVST-2026. Nothing contained in this judgment shall preclude the respondent-Samiti from reviewing or revising the criteria or the verification mechanism, including the

use of the UDISE guidelines, for future admission cycles. However, any such revision shall be notified before the commencement of the relevant admission process and shall operate prospectively. It shall not be applied to candidates who have participated in, or been selected through, an admission process already governed by a previously notified Prospectus.

53. The appeals are allowed in these terms. No order as to costs.

54. Pending application(s), if any, shall stand disposed of.

.....J.
(VIKRAM NATH)

.....J.
(SANDEEP MEHTA)

**NEW DELHI;
JULY 30, 2026.**