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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

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+ W.P.(C) 7282/2019 & CM APPL. 30279-30280/2019

Date of Decision: 09.07.2019

SH. VEDANT GUPTA

..... Petitioner

Through: Mr. KR Chawla, Mr. Ravinder
Agarwal, Advs.

versus

INDIAN INSTITUTE OF TECHNOLOGY AND ANR.

..... Respondents

Through: Mr. Arjun Mitra, Adv. with
Prof. Dass.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

JUDGMENT (ORAL)

CM APPL. 30280/2019 (Exemption)

Exemption allowed, subject to just exceptions.

W.P.(C) 7282/2019 & CM APPL. 30279/2019

1. The petitioner vide the present petition seeks directions to the respondent to allot to the petitioner a seat in IIT as per his all India rank in JEE (Advanced), 2019 and choices of institutes and courses exercised by him. It has been submitted on behalf of the petitioner that the petitioner having appeared in the JEE (Main), 2019 was also short-listed for the JEE (Advanced),

2019 and that thereafter participated in JEE (Advanced), 2019 vide registration no.R211207604 and that the petitioner amongst the six zones opted for the IIT, Delhi Zone whereupon the computer generated acknowledgement was received by the petitioner on registered email id on 03.05.2019 and that the result of the JEE (Advanced), 2019, which was conducted on 27.05.2019 was declared on 14.06.2019 and the petitioner was declared successful and was given an all India rank of 5852 and that it had been stated in the note appended to the result that the rank of the petitioner was provisional subject to verification of documents at the time of counselling.

2. It was submitted on behalf of the petitioner to the effect:

“For seeking admission, please visit the JoSAA site (<https://josaa.nic.in>) on June 16, 2019 and join the counselling process.”

3. The petitioner submits that the respondent had issued Business Rules for Joint Seat Allocation for the academic year 2019-20 and that in terms of the said rules, the candidates were required to fill in their choices of Academic Programmes in various institutes and that the respondent activated the link <https://josaa.nic.in/counselling/choice/candidatehome.aspx> on their website for uploading candidate choice for college and branch.

4. The petitioner further submits that he submitted his preferences within the stipulated period of time and as per notified procedure, the respondent was to conduct a mock seat

allocation and that the said exercise was to be conducted so as to enable a candidate to exercise his choices and that the result of the first mock seat allocation was uploaded on the link <https://josaa.nic.in/counselling/choice/candidatehome.aspx> and that the said link led to a log in page where the candidate was required to furnish his particulars of the JEE (Main) 2019 and application number and password and that after log in, a link was activated giving the result of the mock seat allocation. The petitioner also placed on record a copy of the screenshot of the said link annexed as Annexure P-7 to the petition.

5. *Inter alia* the petitioner submits that the respondent conducted the second mock seat allocation on 24.06.2019 and that the result of the same was uploaded in the said link and that the petitioner was informed that he was likely to get IIT, Delhi from the Textile Branch on the basis of his all India rank and the choices opted by him. It was averred in the petition that as per the prescribed schedule, the result of the seat allocation round-1 was declared on 27.06.2019 and that the petitioner did not receive any intimation regarding provisional seat allocation letter and that the petitioner also checked up the same link on which the result of the mock seat allocation was uploaded but did not find his provisional seat allocation letter uploaded which led the petitioner to believe that he had not been allotted a seat in round-1 of counselling.

6. *Inter alia* the petitioner submits that the result of the seat allocation round-2 was declared on 03.07.2019 and that the

petitioner did not receive any intimation regarding issuance of the provisional seat allocation letter and that on enquiry from his colleagues, it was informed that the result of the seat allocation round-2 had been uploaded by the respondent on a different link i.e. <https://josaa.nic.in/result/root/Resultlogin.aspx> and that the change of the link was never notified to the candidate and subsequently, the message was flashed to the effect:

“You are not eligible JoSAA 2019 SEAT ALLOTMENT in Round No.2, So No seat has been allotted to you in Round 2.”

informing him that he was not eligible and that thereafter despite correspondence addressed to the petitioner, his grievances were not redressed.

7. The petitioner submits that despite securing a high all India rank, he had been illegally denied a seat and that the respondent was continuing with the subsequent rounds of seat allocation and that the result of the seat allocation round-3 was scheduled to be declared on 06.07.2019.

8. In reply to a specific Court query, it has been submitted by learned counsel for the petitioner that even in the round-3 of the seat allocation, he has not been allotted any seat.

9. On behalf of the respondent it has been submitted on instructions from Prof. Dass, Vice-Chairman, JEE (Main) Delhi who has also submitted the list of the Joint Seat Allocation Authority, 2019 and the entire log in trail of the petitioner in

relation to the JEE (Main) Application No.190310008617 under his signatures for the period 03.07.2019 as well as 04.07.2019, 05.07.2019, 07.07.2019, 16.07.2019, 20.06.2019, 23.06.2019, 24.06.2019, 25.06.2019, 26.06.2019, 27.06.2019 and 29.06.2019 which indicates that the petitioner herein has a log in period having logged in 88 times into the site of the respondent. The SMS details of the result of the round-1 and of the result of round-2 of the seat allocation made to the petitioner have also been placed on record under signatures of the Vice-chairman of the JEE Office, Delhi. The said details are categorical and specific as detailed therein to the effect:

<i>SMS Content</i>	<i>Remarks</i>	<i>SMS Sent Date</i>	<i>Total Candidates</i>
<i>The result of Round 1 is already announced, kindly visit the JoSAA website https://josaa.nic.in for further action, if already done, please ignore.</i>	<i>Round 1 Result Announcement: Sent to only allotted candidates.</i>	<i>2019-07-01 17:47:00 543</i>	<i>45171</i>
<i>The result of Round 1 is already announced, kindly</i>	<i>Round 1 Result Announcement: Sent to all</i>	<i>2019-07-01 19:14:00 140</i>	<i>215864</i>

visit the JoSAA website https://josaa.nic.in for further action, if already done, please ignore.	registered candidates..		
Dear Candidate, With reference to Round 1 seat allotment from JOSAA, today is the last day for reporting. Kindly report at reporting centre immediately before 5 pm today July 02, 2019. If already reported, please ignore this notice.	Round 1 Not Reported: Sent to not reported candidates at that moment of time.	2019-07-02 11:41:00 240	8823
Dear Candidate, The result of Round 2 is announced, kindly visit the JoSAA website https://josaa.nic.in for further action, if already done, please ignore.	Round 2 Result Announcement: Sent to all registered candidates.	2019-07-03 17:11:00 340	215865
Dear Candidate, The result of Round 2 is announced,	Round 2 Result Announcement: Sent to only	2019-07-03 18:04:00	45005

<i>kindly visit the JoSAA website https://josaa.nic.in for further action, if already done, please ignore.</i>	<i>allotted candidates.</i>	<i>340</i>	

making it apparent that information was sent to the petitioner herein of the seat allocation in relation to the result of round-1 and he was also informed that the date 07.02.2019 was the last day for reporting at the centre and the remarks indicated that the petitioner did not report and that the information on 03.07.2019 also sent to the petitioner vide SMS is to the effect that the candidate/petitioner had been informed of the result of the round-2 and had been called upon to visit the website <https://josaa.nic.in> for further action and the round 2 result was also indicated to have sent to all registered candidates.

10. Reliance has been placed on behalf of the petitioner and on behalf of the respondent by their learned counsel on the Business Rules for Joint Seat Allocation for the academic programs offered by the IITs, NITs, IIST, IIITs and other GFTIs for the academic year 2019-20 and which are endorsed by the Joint Implementation Committee, JEE (Advanced) 2019 and approved by the Chairman, Joint Admission Board, JEE

(Advanced) 2019 and also by the Core Committee of the Central Seat Allocation Board, 2019.

11. A bare perusal of the same brings forth categorically that vide clause 42 & 45 thereof it has been detailed to the effect:

45. Option to reject (or not accept) the allocated seat: Candidates who want to reject the allocated seat can do so as follows:

(i) By NOT remitting the seat acceptance fee (and hence, not report at the reporting centre)

(ii) If the seat acceptance fee has already been remitted, by not reporting at the Reporting Centre, Seat acceptance fee will be refunded to such candidates.

46. Candidates who reject allocated seat cannot participate any more in Joint Seat Allocation for the ensuing academic year 2019-20.”

12. It has thus rightly been submitted on behalf of the respondent to the effect that the option to reject the allocated seat has been implicitly exercised by the petitioner by not reporting at the centre in terms of Clause 45 (i) & (ii) and by not remitting the seat acceptance fee.

13. Clause 46 of the said regulations is to the effect:

“Candidates who reject allocated seat cannot participate any more in Joint Seat Allocation for the ensuing academic year 2019-20.”

which makes it apparent that candidates who reject the allocated seat cannot participate any more in the joint seat allocation for the academic year 2019-20. Though it is sought to be submitted on behalf of the petitioner that the petitioner may be permitted to place on record his affidavit to controvert the said contention, taking into account the log in details and the details of the SMS placed on record, there is no ground to accept the said contention.

14. The petition and the accompanying application are thus declined.

ANU MALHOTRA, J

JULY 09, 2019

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