

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.12977 of 2016
Decided on : 08.07.2016

Japneet Kaur Jawanda

... Petitioner

Versus

Union of India & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.S.K.Bawa, Advocate, for
Mr.K.S.Sidhu, Advocate, for the petitioner.

G.S. Sandhawalia, J. (Oral)

Petitioner seeks a direction to declare her rank as per the marks obtained in the Joint Entrance Examination (Main)-2016.

Petitioner's grouse is that she had sat in the said examination for the year 2016 and though her result had been declared but her score had not been mentioned by respondent No.2. Reference is made to Anneuxre P8 to show that the result has been shown as 'NE' and reference is, accordingly, made to the mail (Annexure P9) to show that a representation had been made for allotting her a rank so that she could get admission on the basis of the said entrance test.

A perusal of the admission notice would go on to show that the petitioner had to appear in 5 subjects, as per the scheme of study of the concerned Board. The total marks of all the 5 subjects, obtained on the mark-sheet, in a particular year are required in the JEE (Main) and also in JEE (Advanced). A categorical instruction was there that the marks for 2 different years cannot be considered for percentile calculation. An example was, thereafter, given that candidate who did not pass the 12th examination in the year 2013 but passed in the year 2014, such candidates would not be eligible for the year 2016. The said

clause (Annexure P4) reads as under:

“B. YEAR OF APPEARANCE IN QUALIFYING EXAMINATION (QE)

Only those candidates who have passed their Class 12th Exam or any equivalent qualifying examination in 2014 or 2015: or those who are appearing in their Class 12th Exam or any equivalent qualifying examination in 2016 are eligible to appear in JEE (Main) – 2016. Candidates who passed Class 12th/Qualifying examination in 2013 or before as well as those who will appear in such examination in 2017 or later are not eligible to appear in JEE (Main) – 2016. The candidates who appeared in class 12th/ equivalent qualifying Examinations in 2013, did not pass in 2013, but passed in 2014 are also not eligible to appear in JEE (Main) 2016. The candidates willing to appear for improvement examination of class 12th in 2016 have to appear in all the 5 subjects as per the scheme of study of the concerned board. Further, they may also note that in the percentile system, the total marks (of all five subjects) obtained/shown on the mark-sheet of a particular year are required in JEE (Main) and also in JEE (Advanced). The marks from two different year's (i.e. marks for 3 subjects from year 2015 and marks for other 2 subjects from 2016) mark-sheets cannot be considered for percentile calculation.”

Admittedly, the petitioner has passed her Senior School Certificate Examination and the result was declared on 25.05.2015 (Annexure P2). However, a perusal of the said certificate would go on to show that she had not studied in the Maths subject in the said year. She only cleared the said subject subsequently and the result was declared on 21.05.2016 (Annexure P3) and it is also her categorical case. In such circumstances, since the petitioner did not have the combined score in the subjects of Science and Maths, it is apparent that she has not been granted the rank. The petitioner is bound by the

admission notice, in view of the terms of the prospectus, which has the force of law. She cannot, now, turn around and say that the subsequent examination would also entitle her for the benefit of appearance.

Accordingly, the present writ petition is dismissed in limine.

JULY 8th, 2016
sailesh

(G.S. SANDHAWALIA)
JUDGE