

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13583 of 2018

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Kislay Kumar, Son of Ajay Kumar, Resident of New Professor Colony, Ward No. 15, Begusarai, P.S. Nagar, District Begusarai.

.... Petitioner/s

Versus

1. Union of India Secretary, Human Resources Department, New Delhi.
2. Central Board of Secondary Education, Delhi through its Secretary, Central Board of Secondary Education, Delhi.
3. Executive Director, JEE Apex Board, Secretariat, Central Board of Secondary Education, Delhi.
4. Central Seat Allocation Board, 2018 through its Director, Malaviya National Institute of Technology, Jaipur, J.L.N. Marg, Jaipur (Rajasthan)
5. Coordinator, Central Seat Allocation Board, Malaviya National Institute of Technology, Jaipur, J.L.N. Marg, Jaipur (Rajasthan)
6. Joint Seat Allocation Authority, 2018 through its Deputy Central Incharge NIT, Patna.
7. Bihar School Examination Board, Patna through its Secretary, Bihar School Examination Board.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Advocate
For Respondent No.6 : Mr. Y.V. Giri, Sr. Advocate
Mr. S.K. Giri, Advocate
For Respondent No.7 : Mr. Lalit Kishore, Sr. Advocate
Mrs. Binita Singh, Advocate
For Respondent No.1 : Mrs. Poonam Kumari Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT

Date: 24-07-2018

Heard Mr. Jitendra Prasad Singh, learned counsel for the petitioner and Mr. Sanjay Giri, learned counsel for the respondent no.6.

The petitioner seeks direction to the respondents to allow him to participate in the counseling of admission in National Institutes of Technology and other equivalent Institutes after setting



aside the letter dated 2.7.2018 whereby the petitioner's seat has been cancelled without any valid reason. The petitioner is also seeking a direction to allocate a seat to him for admission in National Institute of Technology, as per his allocated category.

The dispute in the present case lies in a very narrow compass. The petitioner has admittedly secured 311 marks in 12th examination held in the year 2017 by Bihar School Examination Board. It is condition precedent for admission to N.I.Ts. that a student must have achieved top 20 percentile at the 12th Board Examination. Relying on Annexure-5, which is a chart showing cut off marks for N.I.T. + System for the purpose determining top 20 percentile position as received from different Boards/Council by the N.I.T., it is the petitioner's case that for 2017, 307 was the cut off marks for OBC fixed for determining "top 20 percentile". In that background, it is the petitioner's claim that he had above the cut off marks with his score in 12th Examination as 311.

A counter affidavit has been filed on behalf of the Bihar School Examination Board stating that 307 OBC marks was the cut off fixed by the Bihar School Examination Board for determining top 20 percentile, for the year 2017. It is the stand of the Bihar School Examination Board that the respondents have wrongly considered 312 to be top 20 percentile cut off marks for OBC candidates for



admission to N.I.Ts., in the background of communication made by the Board to the Central Seat Allocation Board.

In view of the stand taken on behalf of the Bihar School Examination Board, this writ petition is disposed of with a direction to the Director, Coordinator Central Seat Allocation Board, Malaviya National Institute of Technology, Jaipur to consider the petitioner’s case. The Court directs the Secretary, Bihar School Examination Board to inform the Coordinator Central Seat Allocation Board, Jaipur in this regard within one week from today. The Court expects that in case of any confusion, the Coordinator will be required to get the same clarified by the Bihar School Examination Board.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	31-07-2018
Transmission Date	

