

\$~25

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

+ **W.P.(C) 914/2018 & C.M. No.3835/2018**

SARGAM CHUGH

..... Petitioner

Through **Mr.Arjun Singh Khurana, Adv.**

versus

UNION OF INDIA & ANR

..... Respondents

Through **Mr.Amit Bansal, Adv. with
Ms.Seema Dolo, Adv. for R-2/CBSE.**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **31.01.2018**

Vide the present petition, the petitioner who is an eighteen years old girl, having cleared her Class XII examination in the year 2016, has approached this Court being aggrieved by the refusal of respondent no.2/CBSE to accept the requisite fee from her for appearing in JEE (Main) Examination to be conducted by respondent no.2 in April, 2018. Learned counsel for the petitioner submits that though the petitioner had been preparing for the said exam for the last two years, she had duly registered herself for the JEE (Main) Exam vide Application No.80062793 but due to a technical snag, she was unable to deposit the required fee of Rs.500/- within the prescribed period of time which had expired on 2nd January, 2018.

Issue notice to the respondents.

Learned counsel for the respondents, who appears on advance

notice, does not wish to file any counter affidavit but opposes the petition on the ground that the petitioner was given sufficient time to deposit the fee and if she was really inclined, she ought to have deposited the fees within the prescribed time. She, however, submits that since the petitioner had duly registered herself within the prescribed time, it cannot be disputed that the petitioner was very keen to appear in JEE (Main) Examination to be held in April, 2018.

Keeping in view the short controversy involved in this matter, with the consent of the parties, the petition is taken up for disposal. The admitted facts show that the petitioner having cleared her Class XII examination in the year 2016, and being desirous of appearing in the JEE (Main) Examination, 2018, she had duly registered herself with the respondents for appearing in the said exam to be held in April, 2018. Though the learned counsel for the petitioner has not been able to show any proof as to why the petitioner was unable to pay the fees in the prescribed period, there is nothing to show that there was an intentional or deliberate failure on her part to pay the fees. Keeping in view the career of a young girl who aspires to be an Engineer, I am of the view that the petition deserves to be allowed and in the peculiar facts of the case, the petitioner is entitled to another opportunity to pay the fees though subject to costs.

Accordingly, respondent no.2 is directed to accept the fee from the petitioner within a period of one week. The petitioner would approach Mr.J.K. Yadav, Joint Secretary CBSE (JEE Unit) for this purpose, who would facilitate the petitioner and apprise her of the mode in which the fee would be accepted. Since the petitioner has

been negligent in not depositing the requisite fee in time, the present petition is allowed with costs of Rs.5,000/ to be paid to the Delhi High Court Bar Association Lawyers' Social Security & Welfare Fund within one week. The receipt of this cost will be a pre-requisite for acceptance of fees by the respondent no.2. It is clarified that this order will not be treated as a precedent.

The writ petition and pending application are disposed of in the above terms.

Copy of this order be given Dasti under the signatures of Court Master.

JANUARY 31, 2018/aa

REKHA PALLI, J