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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1539/2018 & C.M.No.6312/2018(for exemption)

MASTER SHIVAM KHARTI THROUGH HIS NATURAL
GUARDIAN & FATHER KIRANKUMAR KHATRI

..... Petitioner

Through Mr.Arjun Kumar Khurana, Adv.

versus

UNION OF INDIA & ANR.

..... Respondent

Through Mr.Sanjay Kumar with Ms.Kalpna
Devi, Advs for R-1.

Mr.Amit Bansal with Ms.Seema Dolo, Advs for
R-2.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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26.02.2018

Vide the present petition, the petitioner who is a young 17 years old boy has approached this Court being aggrieved by the refusal of respondent no.2/CBSE to accept the requisite fee from him 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 from 2017, he had duly registered herself for the JEE (Main) Exam vide Application No.80229764 but due to a technical snag, he 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 respondent no.2, 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 he was really inclined, he ought to have deposited the fees within the prescribed time. Learned counsel for the respondent no.2, however, submits that since the petitioner had duly registered himself 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 his Class XII examination in the year 2017, and being desirous of appearing in the JEE (Main) Examination, 2018, he had duly registered himself 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.

Though there is merit in the contention of Mr.Amit Bansal, learned counsel for respondent no.2 that there is a delay on the part of the petitioner in approaching this Court, but keeping in view the career of a young boy who aspires to be an Engineer, I am inclined to accept the explanation given by learned counsel for the petitioner that the petitioner was legitimately hoping that the respondents will accede to his request after receipt of the legal notice and, therefore, did not rush to the Court at that stage.

Having considered the contentions raised by the learned counsels for the parties, I am of the view that in case the petitioner is not permitted to deposit the requisite fee he would be deprived of the opportunity to appear for the exam for which he has been preparing and in the peculiar facts of the case, the petitioner is entitled to another opportunity to pay the fees though subject to costs.

The petitioner is allowed and the petitioner is granted three days time to pay the requisite fees. 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 Staff Welfare Fund within two days. The receipt of this cost will be a pre-requisite for acceptance of fees by the respondent no.2. It is clarified that the order is being passed in the peculiar facts and not be treated as precedent in any manner.

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.

REKHA PALLI, J

FEBRUARY 26, 2018/sr