

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2762 of 2019

Aman S. Ajay Aged About 17 Years (Minor) Represented Through Guardian Father Shri Ajay Kumar Nair, Aged About 46 Years Flat No. 201, Pinnacle Pride, Uma Nagar - 1, Begumpet, Hyderabad 16, Andhra Pradesh., District : Hyderabad, Andhra Pradesh

---- Petitioner

Versus

1. Union Of India Through Secretary, Ministry Of Human Resources Development, Shastri Bhawan, New Delhi. 110001., District : New Delhi, Delhi
2. National Institute Of Technology, Raipur, Through Director, Ge Road, Raipur Chhattisgarh. 492010, District : Raipur, Chhattisgarh
3. Central Seat Allocation Board - 2019 Through Chairperson, National Institute Of Technology Tiruchirappalli 620015 Tamil Nadu., District : Tiruchirappalli, Tamil Nadu
4. Telangana State Board Of Intermediate Education Through Secretary, Vidhyabhawan, Nampally Hyderabad 500001, Telangana., District : Hyderabad, Telangana

---- Respondent

For Petitioner	:	Shri Yashwant Singh Thakur, Advocate
For Respondent No.2	:	Shri Prateek Sharma, Advocate.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

Per Parth Prateem Sahu, Judge
08/08/2019

1. This writ petition is filed by the petitioner invoking jurisdiction of this Court under Article 226 of the Constitution of India, challenging action of respondent No.2 in denying admission in B.Tech Course.
2. Facts of the case, in brief, are that the petitioner, who is an aspirant for admission to Engineering Degree Course i.e. B.Tech (Four Years Course), appeared in Joint Entrance Examination (Main), 2019 (for short 'JEE') conducted by the National Testing

Agency (for short 'NTA') under the aegis of the Government of India, Ministry of Human Resources Development. Petitioner secured 96.2 percentile and became eligible for admission. Petitioner was allotted seat at National Institute of Technology, Raipur in 4 years B. Tech Course in Metallurgical & Materials Engineering. However, when the petitioner approached the respondent authority concerned for admission, he was denied admission.

3. Learned counsel for the petitioner submits that the petitioner secured 96.2 percentile in the JEE exam conducted by NTA. He has passed Class 12th examination from the Telangan State Board of Intermediate Education, Hyderabad (respondent No.4) wherein intermediate education is a 'two years course' and he secured 792 marks out of 1000 marks and percentage of marks obtained by him comes to 79.2% of total marks. He also submits that as per above two mark-sheets, one issued online by the NTA and another by respondent No.4, the petitioner is eligible and entitled for admission in B.Tech Course (4 Years) in respondent No.2-Institute. He also submits that despite the fact that petitioner fulfils the criteria for admission in engineering degree course, as provided in the Central Seat Allocation Board, 2019 (henceforth 'CSAB, 2019'), he has been arbitrarily denied admission by respondent No.2, which is liable to be interfered with by this Court in exercise of its extraordinary jurisdiction.
4. Per contra, learned counsel representing respondent No.2-Institute submits that since the petitioner did not fulfil essential eligibility criteria for seeking admission in NITs/IITs/GFTIs i.e. minimum 75% of aggregate marks in Class 12th Examination, as prescribed in Annexure-2 to CSAB, 2019, therefore, the petitioner has rightly been denied admission. He further submits that even if a meritorious candidate in the examination conducted by NTA has not secured minimum 75% of aggregate marks in Class 12th, he cannot be held eligible to get admission in NIT.
5. We have heard learned counsel for the parties and perused the record.

6. Annexure P-4 filed along with writ petition is the 'Schedule' for filling-up special vacant seats for NITs, IIITs and other GFTIs. Annexure P-5 is the business rules for CSAB, 2019 special rounds. Rule 3 of the Business Rules provides for uploading of those documents/certificates at the time of registration, which are to be produced before the authority for verification. As per Rule 7, a candidate is required to provide marks out of 500 in Class XII. Rule 8 provides that the candidates not fulfilling the minimum educational qualifying criteria, as provided in Annexure-2, will not be allowed to proceed further in the Special round of counselling. Annexure-2, which is part of the Business Rules, specifically mentions that performance in Class XII (or equivalent) examination (applicable only for candidates seeking admission to NITs/IIITs/GFTIs). Clause 1 (i) & (ii) of Annexure-2 are relevant and the same are reproduced herein below;-

“(i)The candidate is within the category-wise top 20 percentile of successful candidates in their respective Class XII (or equivalent) examination of respective stream and Board.”

(ii) The candidate has secured minimum 75% (for GEN, GEN-EWS, OBC-NCL) or minimum 65% (for SC, ST or PwD) of aggregate marks in the Class XII (or equivalent) examination of respective stream and Board.”

7. From perusal of Annexure P-2, which is Class XII mark sheet of petitioner, it is clear that this mark-sheet has been issued for 1st & 2nd Year. Learned counsel for the petitioner submits that this is the pattern of examination of respondent No.4 and therefore total marks awarded to the petitioner by respondent No.4 are to be considered for examining minimum secured marks of 75% in Board Examination. As per requirement of Rule 7, the marks are to be calculated out of 500 in Class XII, as per eligibility norms mentioned in Annexure -2. Rule 7 of the Business Rules reads thus;-

“7.A candidate is also required to provide the marks out of 500 in Class XII, as per the eligibility norms mentioned in Annexure-2.”

8. In view of above rules, the marks obtained by the petitioner in the 2nd Year Exam, which has been stated to be Class XII, are only to be considered for assessing minimum eligibility of the petitioner. A glance of marks obtained/secured by the petitioner in Class XII reveals that the petitioner has secured less than 75% of aggregate marks, as provided in Clause-1 (ii) of Annexure-2 i.e. 73.53% (after taking maximum marks as 100 for each subject).
9. Rule 8 of the Business Rules prescribes that the candidate who does not fulfil the minimum educational qualifying criteria, as provided in Annexure-2, will not be allowed to proceed further in the Special round of counselling.
10. In view of the aforementioned discussions and considering the marks obtained by the petitioner in Class XII, in the light of the Business Rules, we do not find any error on the part of respondent No.2 in declining admission to the petitioner in B.Tech Course.
11. No other ground has been raised by learned counsel for the petitioner except that petitioner has secured more than 79% i.e. 792 of aggregate marks in 1st Year & 2nd Year. As discussed above, Rules of 2019 provides for the assessment of marks secure in Class XII only. In view of the above, we do not find any error in the decision of the respondent No.2 in denying admission to the petitioner. The petition being devoid of any substance is liable to be dismissed and is hereby dismissed.

Sd/-
(P.R. Ramchandra Menon)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-