

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.17264 of 2022**

Palak Kumari Daughter of Prem Bihari Singh, Resident of Village- Sareya  
Hanuman Gadhi Wards No. 6 Police Station- Gopalganj Town.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Higher Education, New Delhi.
2. The Principal Secretary, Ministry of Electric and Information Technology, Union of India, New Delhi.
3. The Director, National Information Centre, New Delhi.
4. The Chairman, Local organising Committee, CSAB-200B, National Institute and Tecnology Rourkela- 769008 State- Odisha, India.
5. The Director, National Institute of Technology, Patna, Bihar State- Bihar.

... .. Respondent/s

**Appearance :**

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| For the Petitioner/s | : | Mr. Parth Gaurav<br>Mr. Umesh Kumar Singh<br>Mr. Ashutosh Kumar Pandey |
| For the UOI          | : | Mr. Kumar Priya Ranjan (CGC)                                           |

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

3      27-03-2023      Hear learned counsel for the parties concerned.

2. The petitioner applied under EWS category for admission in different IITs and NITs colleges through JEE (Main) Examination, 2022 and further coming out successful in the said examination, the petitioner filled up the registration form for JEE (Advanced) Examination, 2022.

3. The petitioner came out successful in Joint Entrance Examination (Advanced) 2022 and participated in seat allotment process through Central Seat Allocation Board for



admission in National Institutes of Technology, Indian Institute of Engineering Science and Technology, Indian Institutes of Technology, Schools of Planning and Architecture and other Government Funded Technical Institutes etc. for the academic year 2022-23. The petitioner was allotted the National Institute of Technology, Sikkim, in the branch of Mechanical Engineering (four-years Bachelor of Technology) and was directed to pay a sum of Rs. 37,000/- between 30<sup>th</sup> October, 2022 (Sunday) to 1<sup>st</sup> November, 2022 through online mode.

4. Learned counsel for the petitioner submits that Chhath Festival was on 30<sup>th</sup> October, 2022 to 31<sup>st</sup> October, 2022 and all banks were closed. Therefore, the petitioner did not attempt to make the payment on 30<sup>th</sup> and 31<sup>st</sup> October, 2022. However, on 1<sup>st</sup> November, 2022 at about 11:40 pm, the petitioner made the online payment of the aforesaid amount of Rs. 37,000/-.

5. The amount was deducted from the account of the petitioner which would be apparent from Annexure-7 to the writ application. This is the screenshot of transaction details. He further submits that despite the amount having been debited, the page of the Central Seat Allocation Board was showing that process was incomplete.



6. The petitioner immediately sent an e-mail on 1<sup>st</sup> November, 2022 itself at 04:18 pm to the Central Seat Allocation Board stating that even after payment the page is showing incomplete process, “Please solve my problem as soon as possible. The photo evidence of payment is below. Please check it out once.” This would be evident from Annexure-8 to the writ application. Again on 2<sup>nd</sup> November, 2022, the petitioner sent another e-mail to the Central Seat Allocation Board stating that after payment on time page was showing incomplete process, “I mailed you but I got no reply. Afterwards my payment returned to my account but the day of submission passed. What’s my fault in that? Kindly look at your system. Do a favour to secure my future.” This can be seen at Annexure-9 to the writ application.

7. The amount was deducted from the account of the petitioner, which ultimately returned back on 3<sup>rd</sup> November, 2022 in the account of the petitioner.

8. Learned counsel next submits that father of the petitioner physically visited the Central Seat Allocation Board, Rourkela, Odisha, but no response was given by the Central Seat Allocation Board. He also submits that due to insensitive approach of the authorities by not responding to the e-mail of



the petitioner the entire career of the petitioner, who is under EWS category, is at peril.

9. The petitioner made the payment on the last date itself, but due to technical glitch, either at the end of the bank and or at the end of the Central Seat Allocation Board, the same could not be received by the Central Seat Allocation Board. The petitioner was not at all negligent in making the payment and took immediate steps to rectify the fault but no response was given by the Central Seat Allocation Board.

10. On the other hand, learned counsel for the Central Seat Allocation Board referring to the paragraph-9 and 10 of the counter affidavit submits that technical glitch did not borne out at the end of the Board. The entire process for special round was done through the website, which is maintained by National Informatics Centre (in short, 'NIC'). It has been certified by the NIC that no technical glitch was reported and that all systems worked in the manner that they were designed to. He also submits that as certified by NIC on 01.11.2022, i.e. the day on which the petitioner made the payment, 2699 candidates were able to successfully make the payment of fee. The information submitted by the NIC has been annexed at Annexure-R-4-B to the counter affidavit.



11. I have heard learned counsel for the parties and have gone through the materials on record.

12. The petitioner has qualified in the examination is not disputed. The petitioner attempted to make the payment within time on 1<sup>st</sup> November, 2022 and the amount of Rs. 37,000/- was also deducted from the account of the petitioner which would be evident from the screenshot of transaction details annexed at Annexure-7 to the writ application.

13. The fact that the portal of Central Seat Allocation Board was still showing incomplete process, the petitioner on the same date i.e. on 1<sup>st</sup> November, 2022 at 04:18 pm sent an e-mail to the Central Seat Allocation Board requesting them to solve the problem inasmuch as according to her the transaction details was showing that the amount has been deducted from her account but the portal of the Central Seat Allocation Board was showing incomplete process. The petitioner on the subsequent dates also sent e-mails to the Central Seat Allocation Board but no response was given by them.

14. Taking into consideration the conspectus of fact as discussed hereinabove, in my opinion, the *bona fide* of the petitioner in making the payment is established inasmuch as for all practical purposes, she made the payment and transaction



details of the bank was also showing that the amount was deducted from her account. If some technical glitch in between bank and the beneficiary, if at all, has taken place, in my opinion, the petitioner cannot be held liable.

15. It is also evident from the fact that the petitioner immediately wrote e-mail to the Central Seat Allocation Board on the same date, i.e. on 1<sup>st</sup> November, 2022 regarding the page showing incomplete process, but no reply has been brought on record by the Central Seat Allocation Board to show that the e-mail sent by the petitioner was replied.

16. Since, the entire career of the petitioner is involved and the academic session has started a few months back, accordingly, interest of justice demands that the petitioner should be allowed to deposit the amount in question before the Central Seat Allocation Board through online mode or by physical mode.

17. Resultantly, Central Seat Allocation Board is directed to accept the amount i.e. Rs. 37,000/- from the petitioner within a period of ten days from today and to allot an appropriate seat to the petitioner in any other National Institutes of Technology, if the seat, which was allotted to her earlier in the National Institute of Technology, Sikkim in Mechanical



Engineering, is not vacant.

18. With the aforesaid observation and direction, this writ application is disposed.

**(Anil Kumar Sinha, J)**

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