

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1335 OF 2023

Dwiti D/o Tushar Suchak ..VS.. Union of India and Others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Parth Malviya, Advocate for petitioner.
Ms. Ansuli Deshmukh, Adocate h/f Mr. N.S. Deshpande, Deputy Solicitor General
of India for respondent No.1.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ

DATED : MAY 02, 2023

The notice for final disposal having been served on respondent Nos.2 and 3, they have not chosen to contest the Writ Petition.

2. We have accordingly heard learned counsel for the petitioner and learned counsel for respondent No.1.

3. The petitioner seeks to pursue a higher studies and in that regard had appeared for the Joint Entrance Examination (Advanced) in May 2022. On the basis of the marks secured by her in the said examination, the petitioner enrolled herself in the admission process. The petitioner was found eligible for being granted admission at IIT Waranasi till the 5th round of the admission process. It is her case that on account of her father's illness, she could not withdraw from the admission process in terms of Clause-77 of the Business Rules for Joint Seat Allocation. As a result, she was held eligible for admission at IIT Waranasi at the conclusion of 6th round of the process. The petitioner, however, did not accept the said allocated seat. Thereafter, the petitioner started preparing herself for the Joint Entrance Examination (Main) 2023. In

terms of Clause-77 of the Business Rules, however, her candidature at the Joint Entrance Examination (Advanced) was found to be ineligible for having not accepted the allocated seat at IIT Waranasi in the year 2022. The petitioner accordingly on 19.01.2023 made a representation to the Joint Seat Allocation Authority and prayed that she be permitted to appear for the Joint Entrance Examination (Advanced) examination 2023 that is to be held on 04.06.2023. In this backdrop, the challenge is raised to Clause-77 of the Joint Seat Allocation Business Rules, 2022 to contend that it should not be given mandatory effect.

4. On hearing the learned counsel for the parties, we find that the circumstances in which the petitioner could not exercise her option of withdrawing her candidature at the end of 5th round are enumerated in her representation dated 19.01.2023. This representation is yet to be addressed by the respondent No.2. Since the petitioner seeks to contend in the light of the exceptional circumstances that she could not withdraw from the admission process in time, she should not be held ineligible for appearing in the Joint Entrance Examination (Advanced) examination 2023 in view of the complete bar for a candidate to participate in the subsequent examination. We find that the respondent No.2 can initially consider the petitioner's request in that regard in the light of the reasons assigned by the petitioner. The respondent No.2 could consider whether an exception could be made in the case of the petitioner.

5. In the light of the aforesaid, the respondent No.2 is directed to decide the petitioner's representations dated 19.01.2023 and 21.02.2023 by 06.05.2023 since it is informed that since the last date for registration for the Joint Entrance Examination (Advanced) examination 2023 is 08.05.2023.

Depending upon outcome of the decision of respondent No.2, the petitioner is free to take further steps in accordance with law.

6. The Writ Petition is disposed of in the above terms. No costs.

7. Authenticated copy of this order be furnished to the learned counsel for the parties.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

Kirtak