

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 18365 of 2024

Kanyaka Ghosh

versus

**The Indian Institute of Engineering Science and
Technology, Shibpur and others**

For the petitioner

Mr. Sahasrangshu Bhattacharjee
Ms. Sayantanee Bhattacharjee

For the Union of India

Mr. Imran Siddiqui
Mr. Anish Kumar Mukherjee

For the respondent Nos.1 - 3

Mr. Subrata Mukhopadhyay
Ms. Basabi Raichoudhury
Mr. Soumen Biswas

Last Heard on

04.09.2024

Judgment on

04.09.2024

JAY SENGUPTA, J:

This is an application directing the respondent authorities
to withdraw a cancellation letter dated 29.06.2024 and to allow
the petitioner admission at the IEST, Shibpur.

Learned senior counsel appearing on behalf of the petitioner submits as follows. The petitioner had passed 10 + 2 examination under the ISC Board in the year 2023. She applied for a seat in the course of B. Arch at the IEST, Shibpur. She was issued a letter provisionally allotting a seat in 2023. However, by a letter dated 29.06.2024 the said seat allotment was cancelled purportedly on the ground that the candidate did not satisfy the minimum eligibility criteria for the course. As per the respondents, the candidate was neither in the top 20 percentile nor was her aggregate above 75%. The usual norm in such application is that when a particular number of subjects are to be taken into consideration to assess the percentage of marks then obtained, the best five subjects of the particular candidate are taken into account. This is in conformity with the CBSC Rules. In fact, in the JEE (Main) Information Bulletin for the year 2017-18 similar provisions were there. Even if one takes into consideration JEE (Main) 2024 Information Bulletin, the requirement of the NTA was that the candidate has to get 50% marks in the Higher Secondary Examination. The rule that refers to a requirement of 75% marks in the aggregate is only in addition to the above. The Business Rules for the year 2024 was subsequently published, which cannot have any manner of application here as the publication was done after the application was made for sitting in the examination.

Incidentally, the said rule requires Physics, Chemistry and Mathematics should be taken into consideration for the particular course amongst the five subjects for which the marks are to be assessed. If the five best subjects for the petitioner are taken into consideration, the petitioner is getting marks above 75%. Therefore, she is eligible to get a seat for the B. Arch course at the IEST, Shibpur.

Learned senior counsel for the respondent Nos.1-3 denies the allegations made in the writ petition and submits as follows. Both the Information Bulletin as well as Business Rules are meant specifically for the JEE (Main) 2024 Examination and therefore should apply in the present case. Even if one goes by the Information Bulletin alone, there is a clear stipulation that a candidate has to get 75% marks in aggregate to have a seat for the said course. The Information Bulletin additionally states that five subjects are to be considered out of which Physics, Chemistry and Mathematics should be included. If these are included, the petitioner fails to get 75% marks. Even when the entire aggregate marks is considered as per the Information Bulletin, she does not get 75% marks. Therefore, she is quite ineligible for getting a seat for the particular course and the seat that was provisionally allotted was quite rightly cancelled.

The Union of India is represented.

I have heard the learned Advocates for the parties and perused the writ petition, the report, the Information Bulletin and the Business Rules.

It is evident that the petitioner was granted a seat provisionally. The same was subsequently cancelled as the petitioner purportedly did not satisfy the criteria for getting a seat for the said course.

The Information Bulletin clearly sets out the rules. Clause 14.1 of Chapter 14 of the Information Bulletin stipulates that for getting a seat in the NITs, IIITs and such other CFTIs whose admissions are based on the JEE (Main) ranks, the candidate should have secured at least 75% marks in the Class 12 examination or be in the top 20 percentile. There is a chart at the end of the said Clause which deals with the required criteria of subjects for qualifying. For B.E./B.Tech, one has to qualify the examination with Physics and Mathematics as compulsory subjects along with other subjects. In the said column, there is no mention of the percentage of marks that is required to be obtained. In the next category i.e., B. Arch certain subjects are required for the course. Incidentally, it is also mentioned that the aggregate marks obtained in those subjects should be 50%. These charts are clearly meant for setting out the subjects which should be there in the qualifying examination and do not deal with the minimum marks that should be obtained in those

subjects. Such issue is dealt with by the first paragraph under Clause 14.1.

If one goes by the Information Bulletin alone, the petitioner fails to get a seat for the said course.

Even if one is to take the Business Rules additionally into consideration, the petitioner would surely fail to secure 75% marks in the five selected subjects that would have to include Physics as a subject.

Therefore, the respondent authorities have quite rightly decided to cancel a seat provisionally allotted the petitioner.

If the rules are flouted to favour a particular candidate, then the same would cause injustice to the other candidates.

In view of the above discussions, this Court finds no merit in this application.

Accordingly, the same is dismissed, however, without any order as to costs.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J)