



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-26749-2025

Date of Decision: 28.10.2025

BHOOMI DAHIYA

... PETITIONER

VS.

UNION OF INDIA AND OTHERS

.. RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Anil Ghanghas, Advocate,
for the petitioner.

Mr. Anil Chawla, Sr. Panel Counsel for respondents No.1 to 3.

Mr. Arun Gosian, Advocate for respondent No.4.

ROHIT KAPOOR, J.

1. The present writ petition has been filed for setting aside the impugned criteria contained in the brochure (Annexure P/1), for admission in B.Tech. Programme, being run by respondent No.3-National Institute of Food Technology Entrepreneurship and Management, which provides for filling up the left-over/vacant seats by way of on-spot counselling, only on the basis of the marks obtained in the 12th standard, by ignoring the marks in NEET/JEE/CUET (hereinafter referred to as the 'NTA Exams). Further prayer has been made for directing the respondents to fill the left-over/vacant seats only in accordance with the marks/rank obtained by the candidates in the NTA Exams and to admit the petitioner on the basis of her merit, accordingly.



2. Shorn of unnecessary details, brief facts involved are that respondent No.3 (NIFTEM-K), is an Institute of National Importance, established under the National Institutes of Food Technology, Entrepreneurship and Management Act, 2021, (hereinafter referred to as 'the Act of 2021'). The said institute published an information brochure (Annexure P-1), for admission to B.Tech., M.Tech., MBA, E-MBA and Ph.D. Programme for the session 2025-26, and the last date for submission of on line applications for the B. Tech. Programme was 30th June 2025.

3. It was specifically mentioned in the brochure that the mode of admission for a total number of 200 seats for the B. Tech. (Food Technology and Management) programme, would be by way of two modes. For the 100 seats, which were required to be filled by Joint Seat Allocation Authority/Central Seat Allocation Board (hereinafter referred to as JoSAA and CSAB), admission was to be done as per the application procedure, guidelines mentioned on the website of the said authority, which falls under the Ministry of Education, Government of India. The balance 100 seats were to be filled through respondent No. 3 directly, wherein 50 seats were to be filled on the basis of JEE-Main results, 30 seats on the basis of CUET and 20 seats as per the NEET results, in the various categories as per reservation policy of the Government of India. The seat matrix was duly stipulated in the brochure. The minimum eligibility criteria in the qualifying exams was also stipulated, wherein for the General Category minimum 60% in class XII, 35 % in CUET, less than 6 lakh All India rank in JEE, and less than 8 lakh rank in NEET, was prescribed. It was specifically mentioned in the



brochure that if seats remain vacant after the closing of JoSAA/CSAB, 2025 and after few rounds of direct admissions through NIFTEM-K, the remaining seats may be filled through On-spot counselling. It was further clarified that in the on spot counselling, the merit list will be prepared only on the basis of the marks obtained in 12th standard (physics+Chemistry+Mathematics/Biology+English+one additional subject). During the On-spot counselling, NTA scores were not to be considered while preparing the combined merit list and all candidates were to be placed in the same pool, regardless of their scores. The prospective applicants were informed that these scores will serve only as a qualifying criterion for attending the On-spot counselling as per the minimum eligibility requirement specified, for the respective exams.

4. It is undisputed that the petitioner appeared in the NEET examination and obtained All India Rank of 407038 with General Category Rank as 123343. The petitioner also appeared in CUET (UG) and obtained 418.33 marks. Respondent No.3 conducted four rounds of counselling for 100 seats on 21.07.2025, 28.07.2025, 01.08.2025 and 06.08.2025, respectively, on the basis of merit of the applicants in the NTA Exams.

The petitioner participated in all four rounds of counselling, however, she could not be admitted, being lower in the order of merit. She also participated in the on-spot counselling, however, could not be selected as she had obtained 82% in class 12th and the closing percentage for On-spot counselling was 87.4%. Resultantly, she was positioned at Sr. No.05 in the waiting list after closing of the on-spot counselling round.



5. It is at this juncture that the petitioner has filed the instant writ petition, assailing the criteria of the brochure pertaining to the admission on the basis of on-spot counselling, considering marks obtained in 12th standard, instead of percentage/rank in the NTA Exams.

6. After noticing the contention of the learned counsel for the petitioner that the process of admission is as per NTA results, but respondent No. 3 is admitting other students by adopting the criteria of on-spot round, only on the basis of marks of 12th class, this Court vide order dated 09.09.2025, had issued notice to respondent No. 3. On the basis of the arguments advanced by learned counsel for the petitioner that respondent No.3-Institute is not making admissions in accordance with the information brochure, but is admitting students directly on the basis of marks obtained in 12th standard, this Court vide order dated 23.09.2025 passed the following order:-

“The following order was passed on 09.09.2025:-

“Except respondent No.3-NIFT, which is the main contesting party, all other respondents are represented on advance notice served upon them.

Learned counsel for the petitioner submits that the process of admission is as per NEET, JEE, CUET results, but respondent No.3 is admitting other students by adopting the criteria of on spot round, only on the basis of marks of 12th Class. Let notice be issued to respondent No.3 through dasti process for 23.09.2025.”

The grievance of the petitioner is that the institute is making admissions not in accordance with the information brochure but is admitting students directly on the basis of their marks obtained in 12th standard. Our attention has been invited to the admission guidelines contained in the brochure, which read as under:-



“Out of 100 seats to be filled through Direct Admissions, 50 seats will be filled through JEE-Main, 30 seats will be filled through CUET and 20 seats will be filled through NEET as per the reservation policy of the Govt. of India, Kashmiri Migrants will be allotted 5% supernumerary seats.”

Once the norms in the brochure provides that 50% seats will be filled through JEE-Main, 30% seats through CUET and 20% seats through NEET, respondent No.3 cannot be permitted to admit students otherwise than in the manner stipulated in the information brochure. Accordingly, a direction is issued to 3rd respondent to strictly adhere to the admission process enumerated in the brochure and no admission contrary to it would be undertaken.

On spot counselling would be permissible only if the seats remain vacant after the closing date of the admission process through the above process.

Since the petitioner claims to have passed NEET and CUET, as such her claim for admission will be considered on the strength of her merit.

Adjourned to 13.10.2025.”

7. Subsequently, respondent No.3 filed its counter, wherein it was clarified that the merit status of the petitioner in the general category was much lower than the cut off rank, as the 4th round of counselling ended with a rank of 2,93,983 in NEET, while the petitioner's rank was 4,07,038 and for CUET, the closing score was 59.26%, but the petitioner had secured 55.77%. It was further clarified that a waiting list was prepared to cover any situation whereby there is cancellation/withdrawal by any candidate in due course. In the said waiting list, the petitioner was placed at Sr. No.5 in order of merit. It is stated that two seats fell vacant and the same were given to the candidates in the waiting list having 86.6% and 83% marks in 12th standard, respectively. The petitioner could not make the cut, having obtained 82%.



8. Learned counsel for the petitioner argues that the criteria adopted by respondent No. 3 for filling up seats on the basis of on-spot counselling, only on the basis of scores obtained in class XII, is arbitrary and discriminatory. It is contended that once all seats in the 04 rounds of counselling for B.Tech. Programme were filled on the basis of rank/score in the NTA Exams, then there is no rationale to fill up seats on the basis of on-spot counselling, as the same may cause prejudice due to different method of marking by different boards. It is further alleged that to the knowledge of the petitioner, certain students have been granted admission on the basis of 12th standard marks in the on-spot counselling, who were less meritorious and had scored lower ranking/percentage in NTA Exams. It is therefore, urged that the impugned criteria be set aside being violative of Articles 14 and 16 of the Constitution of India and respondent No. 3 be directed to grant admission to the petitioner on the basis of her ranking/percentage in NTA Exams.

9. Per contra, learned counsel for respondent No.3 has vehemently opposed the arguments raised on behalf of the petitioner. At the outset, it is argued that the information brochure categorically and explicitly specified the procedure that would be followed for filling up the seats, and the petitioner was well aware that if any seats remain vacant after the closing of JoSAA/ CSAB admission process and the direct admission process through NIFTEM-K, the remaining seats will be filled through on-spot counselling. The petitioner after participating in the admission process and remaining unsuccessful, cannot be permitted to challenge the criteria, especially after



the admission process is over. It is further contended that the method of filling up vacant seats on the basis of on-spot counselling is in pursuance to the decision taken by the Director in exercise of his powers conferred under the statutes/regulations framed under the Act of 2021, and it is a valid mode to facilitate speedy decision-making in academic matters. It is urged that an identical method is adopted by some of the most reputed institutes, including IIT, Delhi. It is pointed out that as per instructions, no seat is vacant as on date, and thus, the petitioner in any case cannot be considered for admission to the aforesaid programme.

10. We have heard the rival contentions raised on behalf of the parties and have perused the material available on record, with their able assistance.

11. The issue to be determined is whether the impugned admission criteria is arbitrary or illegal, and whether it can be interfered with, at this stage.

12. Although in the first blush, the arguments of learned counsel for the petitioner appeared to be attractive, however, after having considered the peculiar facts and circumstances involved in the matter, we are compelled to take a different view.

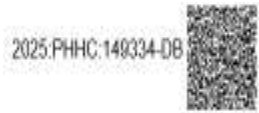
13. Careful perusal of the information brochure shows that the students were required to fulfill a criteria of meeting the bare minimum percentage/rank in NTA Exams and subsequently the marks obtained in 12th standard, were to be examined, to determine the comparative merit during on spot counselling round. Before on spot counselling round, as many as four



rounds of counselling were conducted purely on the basis of merit/ranking in NTA Exams and only for filling up the left over seats, the method of on-spot counselling was adopted, keeping in view the need to facilitate speedy decision-making, in the admission process. In our considered view, such a procedure cannot *per se* be said to be arbitrary or impermissible, especially when the same has not been shown to be actuated in malice or in violation of any statutory provisions.

14. Even otherwise, the information brochure clearly and in unambiguous terms specified that in the event of any vacancy after filling up of seats, by taking into consideration the rank/percentage of the students in NTA Exams, admission shall be made for the left over seats, on the basis of on-spot counselling. The petitioner was well aware about the same and voluntarily participated in the admission process. After having done so, with open eyes, she cannot be permitted to now question the impugned criteria.

It is settled law that prospectus/brochure has force of law and a candidate cannot take a stand that suits him/her, at any stage. The doctrine proscribing change of rules midway through the game or after the game is played, is predicated on the rule against arbitrariness enshrined in Article 14 of the Constitution. It is also essential to take note of the fact that the petitioner has not impleaded even a single candidate, selected by way of on-spot counselling, who obviously would be affected by the outcome of this petition, and hence the instant petition merits dismissal on this ground alone.



15. In that view of the matter, the instant petition fails and is accordingly dismissed. However, dismissal of the petition shall not act as a bar against the petitioner to approach respondent No.3-Institute, to consider her claim for admission against a vacant seat, if any, on the basis of her merit.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

28.10.2025
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Whether speaking/reasoned : Yes
Whether Reportable : No