



LPA-3587-2025 (O&M) 1

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

(122)

LPA-3587-2025 (O&M)**Date of Decision : December 15, 2025**

**National Testing Agency through its Director (Exams),
New Delhi**

.. Appellant

Versus

Ritu**.. Respondent**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Arun Gosain, Advocate, assisted by
Ms. Swati Arora, Advocate, for the appellant.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present Letter Patent Appeal, the challenge is to the order dated 29.11.2025 passed by the learned Single Judge in CWP No.34068 of 2025 wherein, in the peculiar facts and circumstances of the present case, without treating the said order passed by the learned Single Judge as a precedent, respondent-candidate has been allowed to appear in the UGC examination which is scheduled to be held on 31.12.2025, which examination is conducted only to attain the eligibility of Indian Nationals so as to enter into different career prospects on technical side.

2. Learned counsel for the appellant argues that though, the benefit of appearing in UGC examination to be held on 31.12.2025 has been granted to the respondent-candidate despite not filling of the application form before the last date prescribed but the same will open a Pandora box as other candidates also, who could not file application form before the last date i.e. 07.11.2025 will start seeking the same relief despite not filling the application form within required time.

3. Learned counsel for the appellant submits that even otherwise, a candidate who has not applied for appearing into examination upto the last date



LPA-3587-2025 (O&M) 2

by way of filling the application form, cannot be allowed the benefit of appearing in the said examination even if, the said candidate does not causes prejudice to any other candidate who is also appearing in the said examination so as to seek the eligibility of clearing UGC examination.

4. Learned counsel for the appellant relies upon the judgment of the Hon'ble Supreme Court of India in *Special Leave to Appeal (C) No. 7628 of 2021 titled as Pharmacy Council of India vs. Bhagwati College of Pharmacy and others, decided on 20.10.2011*. The reliance is also being placed upon the Full Bench judgment of this Court in *CWP No.5281 of 1997 titled as Rahul Prabhakar vs. Punjab Technical University, Jalandhar and others, decided on 22.04.1997*.

5. We have heard learned counsel for the appellant and have gone through the record with his able assistance.

6. Certain facts may be mentioned for the correct appreciation of the issue in hand.

7. It may be noticed that UGC-NET examination is conducted by the National Testing Agency so as to allow the candidates to appear in the said examination and only the candidates who clear the same gets eligibility to seek appointment as Professor or Research Fellow or even for admission in Ph.d Course. The said UGC-NET examination is to be conducted on 31.12.2025. As per the Notification issued by the appellant, the last date to fill up the required form to appear in the said examination was 07.11.2025.

8. The respondent initially approached the appellant so as to raise grievance by way of an e-mail on 07.11.2025 around 08:00 P.M i.e. the last date to fill the examination form that she had tried to fill up the form in question on 07.11.2025 and 12 times effort was made by respondent to fill up said application form but due to technical glitch, she could not complete her



LPA-3587-2025 (O&M) 3

form so as to submit the same within the time frame and therefore, her application form should be accepted so that she is able to appear in the said examination so that she can gain the eligibility for various post for which the passing of such exam is must. As the said benefit of appearing in exam due to non-filling of application form was not granted, she approached this Court by filing CWP No.34068 of 2025.

9. Upon notice of motion issued in the writ petition, the appellant herein appeared and in the reply filed, it was conceded that as per the record, respondent No.1 herein i.e. the petitioner in the writ petition, made 12 attempts to fill up the application form so as express her intention to appear in the UGC examination and attempts were from through different computers having different I.P address but still she was not successful in filling the form upto the last date.

10. It was also conceded by the appellant herein and the respondent before the learned Single Judge that upon being unsuccessful in filling up the application form before the last date which was 07.11.2025 upto 11:50 P.M, she had already sent an email at 08:56 P.M on 07.11.2025 pleading to the appellant that her 12 attempts to fill up the application form have been unsuccessful and therefore, she be given liberty to appear in the examination so as to fill the form after 07.11.2025 or accept the filling up and submission of same after 07.11.2025, in person.

11. Once, the said facts have been conceded by the appellant that due efforts were made by respondent to fill up the application form from different computers having different I.P address and even before expiry of the last date to fill up the said form, the unsuccessful attempts of respondent-student in filling the said form were brought to the notice of the appellant, it was rightly held by the learned Single Judge that respondent-candidate intended to appear



in the UGC examination and due attempts were made to fill the examination form. Even before the Court in appeal, appellant has not been able to show that the approach of the respondent was only to seek benefit of appearing in examination without even attempting to fill up the form or that she is seeking undue advantage of appearing in UGC examination with making any effect to fill the form before last date.

12. The learned Single Judge, keeping in view the said fact that there has been no fault on the part of the respondent and in order to appear in the UGC examination as many as 12 attempts were made by respondent to fill the application form before the last date to fill up the same, all of which attempts came out to be unsuccessful and being vigilant she had already informed about the said fact to the appellant even before the time to fill the said form expired on 07.11.2025 by way of e-mail rightly held that respondent should be allowed to undertake the examination as the same is yet to be held on 31.12.2025.

13. In order to safeguard the interest of the appellant, the learned Single Judge also held that the said order so passed is in the peculiar facts and circumstances of the present case, which is not to be construed as precedent.

14. Learned counsel for the appellant has raised the argument that the respondent was not to be termed as an eligible candidate to undertake the said examination as she has not filled up the required form upto the last date of filling the same, granting her the benefit to appear in the said examination by the learned Single Judge is without jurisdiction as in the absence of any valid filing form filled up by respondent, she could not have been allowed to appear in the said examination hence, the said benefit granted by the learned Single Judge is liable to be set aside.

15. It may be noticed that the situation in the present case is a peculiar one and entirely different as compared to a situation whereby candidates are



competing for a post where prejudice can be caused to the other candidates who are competing in such examination in case a candidate is allowed to participate despite not filling form within the time frame. In the present case, the UGC examination is yet to be conducted and same is only to gain the eligibility to compete for the post in future or for other such avenues. It can be safely said that no prejudice is being caused to any candidate who is appearing in the said examination, the respondent is allowed to appear in the examination scheduled to be held on 31.12.2025. Rather in not allowing her to do so, respondent-student will be the one who will be prejudiced.

16. Further, in appeal, the appellant has to show how the order passed by the learned Single Judge causes prejudice to the appellant, it may be noticed that the following direction was given by the learned Single Judge while deciding the writ petition:

“ It is clarified that the direction (supra) has been passed taking into account the peculiar facts and circumstances of the present case and the same shall not be construed as a precedent.”

17. A bare perusal of the above reproduction would show that the argument of the appellant that it will open a floodgate, had already been taken care of by the learned Single Judge while passing the impugned order.

18. Despite the fact that the grant of said relief to the respondent was not to be treated as precedent as per the impugned order, yet an appeal has been preferred by appellant against said order impugned and that too by raising a plea that it will open the floodgates of cases. The impugned order was passed by the learned Single Judge granting the relief to the respondent on 29.11.2025. Today, two weeks have passed but while filing the appeal, though it has been mentioned that floodgates will open that the other candidate will also seek similar relief but not even a single such instance has been brought on record to prove that argument.



19. On 11.12.2025, in order to show that other candidates have approached the Court seeking similar relief so as to make a base for the contention that the floodgates of similar cases will open, no such affidavit has been filed by the appellant even upto today to present any such picture before this Court.

20. Once despite an opportunity given to appellant so as to strengthen his aforesaid contention, no such data has been brought on record that there are other candidates who are coming before the Court to seek the same relief and hence, only upon the contention raised before this Court in appeal that order passed by learned Single Judge will open the floodgates, without there being any support to prove the said claim cannot be accepted hence, the impugned order passed by the learned Single Judge needs no interference.

21. Reliance has been placed by the learned counsel for the appellant on the order passed by the Hon'ble Supreme Court of India in ***Pharmacy Council of India's case (supra)***. It may be noticed that the said case relates to the admission of the candidates and not appearing in a written examination to gain eligibility which is the scenario in present case. Further, nothing has come on record to show in the said case that the candidate in question had made 12 attempts to fill up the form before the last date but was unsuccessful in doing the same due to technical error and further that the candidate in present case had even written an email before the expiry of the last date to file an application. Contentions are being raised by learned counsel for the appellant so as to deny the benefit of appearing in exam to the respondent-candidate on the basis of the judgment, and that too without going through the facts of the said case that whether the same are applicable in the present case or not.

22. Hence the judgment of the Hon'ble Supreme Court of India in ***Pharmacy Council of India's case (supra)***, was on entirely based on different



LPA-3587-2025 (O&M) 7

facts as compared to the facts in the present case hence, the same cannot be made applicable.

23. Further, the reliance is also being placed upon the judgment of the Full Bench of this Court in ***Rahul Prabhakar's case (supra)***, it may be noticed that in the said case also, the question of admission was concerned qua late filling of application form concerned which also touches and had the capacity to prejudice the interest of the third party i.e. the other students claiming for admission by filling up the form before stipulated time limit and in case, any benefit is granted to applicant in the said case, who has filed an application after the last date, another candidate, who has filed the application within time frame, is caused prejudice.

24. Further, in ***Rahul Prabhakar's case (supra)***, the fact was that the application could be submitted either in person or through the registered post and when a candidate choose the option to submit the application through registered post, the finding recorded was that the delay so occurred will be by the agent of the applicant i.e. the postal department for which the applicant is liable whereas, in the present case, no such permission was given to file an application in person.

25. Further, in ***Rahul Prabhakar's case (supra)***, in case he was to be made eligible for admission, the same caused prejudice to another candidate, who had filled the form within the time frame, which is not the case in the present case.

26. Learned counsel for the appellant has argued that on the last date i.e. 07.11.2025, more than 1.5 lacs candidates filled up the form hence, the non-submission of the said form is to be attributed to the respondent and not the appellant which clearly shows it is the respondent who is at fault, not appellant.

27. Though the same is a question of fact but it is clear from findings

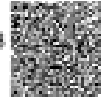


of learned Single Judge in the impugned order that true efforts were made by the respondent so as to fill up the form before stipulated date and had also filed an email prior to the last date of filling up the form, which is a conceded fact.

28. Furthermore, it could also be a probability that as a large number of candidates were trying to open the same website at same time, the website could not work from the place where the respondent was trying to open the said website so as to fill the requisite form. The said technical glitch cannot be ruled out. Hence, once the respondent tried to fill up the form from 12 different IP address and still remained unsuccessful in doing so, the learned Single Judge has rightly intervened especially by allowing the respondent to appear in the said examination so as to pass the qualifying UGC examination, the approach of the appellant in order to file the present appeal is no more than a ego problem rather than a legal problem.

29. The argument of the learned counsel for the appellant is that under no circumstances, the appellant could have been directed to consider the respondent as eligible so as to appear in the said examination. Though, the plea is being taken that it will open floodgates despite protection granted by the learned Single Judge qua the same but the said impugned order has been challenged only on the ground that the decision taken by appellant of not allowing the respondent to appear in the examination has been interfered with by this Court. This kind of an attitude is not good for the appellant. The appellant being the National Testing Agency has to be flexible and reasonable to appreciate the difficulties faced by the students and it is only if any prejudice is caused either to the other candidate or to the examination conducting body, only for the sake of appeal, order should not be challenged.

30. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.



LPA-3587-2025 (O&M) 9

31. It may be noticed that learned counsel for the appellant had sought pass over to seek instructions as to whether to press the present appeal or not on merits. As per the learned counsel for the appellant, the stand of the appellant is that no ineligible candidate is to be allowed so as to appear in the examination and the learned Single Judge had exceeded the jurisdiction and therefore, the same needs to be pressed. Though the conduct of the appellant required imposition of cost but taking a lenient view, the present appeal is dismissed with advice to the appellant to file appeal only in the case where the order impugned causes prejudice and not only for the sake of filing an appeal.

32. Civil miscellaneous application pending if any, also stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

December 15, 2025
harsha

(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No