



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

WRIT PETITION NO. 4053 OF 2026

Janhavi Kamalakar Gaddime

...Petitioner

vs.

National Testing Agency, New Delhi,
through its Chairman and others.

..Respondents

Shri S. N. Tapadia, Advocate for petitioner.

Shri Kartik Shukul, Dy. Solicitor General of India for respondents

CORAM :- ANIL S. KILOR and RAJ D. WAKODE, JJ.

DATE :- 9th JUNE, 2026.

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Heard the learned counsel appearing for the respective parties.

2. By way of present petition, the petitioner is seeking correction of category from 'General category' to 'Other Backward Classes (OBC) category' non-creamy layer in the records of the Joint Entrance Examination (Main) [JEE (Main)] and consequentially consideration of the petitioner under the correct category in Joint Entrance Examination (Advanced) [JEE (Advanced)].

3. The brief facts of the present petition are as under:

3.1 The petitioner is an aspiring student desirous of pursuing Bachelor of Technology(B.Tech.)/Bachelor of Engineering (B.E.) courses offered by premier government-run and government-funded Institutions in India. With this objective, the petitioner appeared for the JEE (Main) conducted by the respondent no.1 which serves as the qualifying examination for admission and also determines eligibility for appearing in the JEE(Advanced).

3.2 The petitioner in response to the Public Notice dated 31.10.2025 inviting Online Application Forms for Session 1 of the JEE (Mains) 2026 and thereafter on 01.02.2026 another Public Notice applied for Session 2 of the JEE (Main), submitted Online application.

3.3. The petitioner claims to be belonging to OBC category having 'Yelam' caste. At the time of submitting Online application on 21.11.2025 since the petitioner did not possess caste certificate in Form 9, she mentioned her category as 'General' instead of 'OBC' category.

3.4 The petitioner subsequently on 23.02.2026 applied for the caste certificate under Form 9 which she received on 24.02.2026.

3.5 Thereafter on 20.03.2026 the petitioner addressed an e-mail to the respondent no.1 requesting for change of category from 'General' category to 'OBC(NCL)' category in view of the caste certificate dated 24.02.2026. Since her request was not accepted, the petitioner has filed this petition.

4. Shri Tapadia, the learned counsel for the petitioner, argues that it was a *bona fide* mistake and since the merit is the criteria, the respondent no.1 ought to have corrected the category of the petitioner. It is submitted that there is no dispute that the petitioner belongs to OBC category and, therefore, migration of the petitioner from 'General' category to 'OBC' category will not cause prejudice to anybody. It is submitted that in such matters where merit is the criteria, a liberal view should be taken and a candidate may be permitted to change her/his category at any stage of the admission process. In support of his submissions, he has placed reliance on the judgment of the Division Bench of the Delhi High Court in the case of *Charu Kain vs. High Court of Delhi* reported in [2022 SCC Online Del 1735] and the judgment of the Karnataka High Court in **Writ Petition No. 12859 of**

2023 (ED-RES) decided on 10.08.2023 [*Dr. Lakshmi P. Gowda vs. Nation National Board of Examinations in Medical Sciences and anr.*]

5. On the other hand, Shri Kartik Shukul, the learned Deputy Solicitor General of India, for the respondents, strongly opposed the petition. He submits that the respondents have received hundreds of such requests from the students for corrections in category and if this Court shows indulgence, it will open the floodgates.

6. He further submits that applying in 'General category' is not a *bona fide* mistake. It is evident from the pleadings that the petitioner intentionally applied under the 'General category'.

7. He submits that despite receiving the caste certificate under Form 9, the petitioner did not take any immediate steps for correction in the category. It is pointed out that the opportunity was granted to the candidates on 27.02.2026 and 28.02.2026 to correct the category in the application form. Since the petitioner failed to avail the said opportunity, the relief as sought for in the petition may not be granted. In support of his contentions, Shri Shukul, the learned DSGI, has placed reliance on the decisions:

Judgment of the Delhi High Court in **Writ Petition (C) No.686/2021** decided on 05.04.2021 [*Shalu Maan vs. Dean, Faculty of Law University of Delhi and anr.*],

Judgment in **Writ Petition (C) No.12752 of 2025** decided on 03.09.2025 [*Hanan Shajahan Chittohayil vs. Union of India and others*],

Judgment of the Madras High Court in **W.A.(MD)No.739 of 2019 and CMP (MD) No. 6379 of 2019** decided on 22.07.2019 [*The Chairperson, National Testing Agency, Noida and anr. vs. Minor M. Vikram Balaji and others*].

Judgment in **W. P.(MD) No.13687 of 2024** decided on 28.06.2024 [*Minor S. Jeyanthinathan vs. The National Testing Agency and others*].

The judgment of the Kerala High Court in **WP(C)No.25471 of 2024** decided on 07.08.2024 [*Rehaan Shiraaz Khan vs. Union of India and others*].

The judgment of the co-ordinate Bench of this Court in **Writ Petition No.15705 of 2022** decided on 22.02.2023 [*Shreya Shirish Katkar versus National Testing Agency*].

8. Having heard the learned counsel for rival parties and gone through the record of the case, it is evident that the petitioner has submitted Online application form for Session 2 for appearing in JEE (Mains) 2026 on 21.02.2026. There is no dispute that the petitioner applied under the 'General' category. The reason was that the petitioner did not possess the caste certificate in Form-9 on the date of submitting/making the application. The petitioner thereafter on 23.02.2026 applied for caste certificate in Form-9 which was received by her on 24.02.2026.

9. It is pertinent to note that, in the meantime, the respondents granted opportunity twice to the candidates to make corrections in the application form and the last such opportunity was granted on 27.02.2026 and 28.02.2026.

10. It is apparent from the record that the petitioner even after receiving the caste certificate in Form 9 on 24.02.2026 remains silent and did not take immediate steps to ask for correction of category till 20.03.2026 and failed to avail opportunity granted during the period on 27.02.2026 and

28.02.2026. The petitioner for the first time made a request for corrections in the category after declaration of the merit list.

11. It is, in fact, evident from the pleadings that, the petitioner intentionally applied in 'General category' since she did not possess the caste certificate in requisite Form 9. Thus, it is not the case of a *bona fide* mistake or error committed by the petitioner in submitting/making the application in 'General category'.

12. In the circumstances, it is significant to note that the petitioner did not take immediate steps to apply for correction of category for about 25 days after receiving the caste certificate and in the meantime, the merit list was declared.

13. In the above backdrop, let us examine the authorities cited by the both the parties.

14. Shri Shukul, learned DSGI has placed reliance on the decision of the Delhi High Court in the case of *Shalu Maan* (supra), which reads thus:

"8. I am of the view that a candidate cannot be permitted to change the category after the results have been declared. The merit position and cut-offs are determined category-wise. To permit a candidate to change the category at such a belated stage would lead to potential disruption in the admissions of those who have been granted admission, and also disturb the merit position of all other candidates in both the categories. Such a consequence would ultimately make it difficult to conclude the admissions process"

15. So also, the decision in *Hanan Shajahan Chittothayil (supra)*, which reads thus:

“25. Reference can also advantageously be made to the decision in Shyam Sunder (supra) wherein the Co-ordinate Bench of this Court dealing with similar prayer for change in category observed as under:

7. It begs no reiteration that relief of change of category is not a matter of right. The courts have granted relief only in extraordinary circumstances in cases where it is found that Petitioner has made a bona fide mistake. Petitioner/or his son cannot colour an act of negligence as 'bona fide mistake Candidates who apply for such highly competitive examinations should be vigilant and exercise due care while applying online. Mr. Gaurav had, by his own act, categorized himself as a General Category candidate. Moreover, there is no proof of dispatch of representation dated 10th August 2022 annexed with the Petition. The narrative is unsupported by document(s). Petitioner/or his son are not entitled to claim modification of Mr. Gaurav's online application of JEE (Main) 2022 as a matter of right. Further, there has been considerable delay on the part of Petitioner in approaching the court, at a stage, when results have been announced and JEE (Advanced) 2022 i.e., entrance examination for getting entry into IITs, has also been held on 28th August, 2022. Such delay on Petitioner's part is entirely unexplained. The court remains unconvinced of Petitioner's bona fides.

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9. Even if Mr. Gaurav's mistake is taken as an inadvertent act, this court cannot be oblivious of the fact that the JEE Examination is a humongous exercise involving lakhs of students. Now, the ranks have been declared on the basis of percentile score. If courts were to treat change of category as an accidental slip/mistake on part of the candidate and direct change of category, it would necessarily entail re-drawing the ranking which would have a ripple effect of upsetting the entire selection process and seat allocation for OBC candidates for the NIT+ institutions, which cannot be allowed lightly”.

16. Similarly, the decision in *Minor M. Vikram Balaji and others (supra)*, reads thus:

“8. The writ petitioner sought for changing his communal category in the application submitted for the NEET examination. Admittedly, such request is made by the petitioner after the declaration of the results. It is seen that the authorities have provided two opportunities for the candidates, to make necessary corrections in the on-line application, if any, one before the examination and another, after the examination, however, before declaration of the results. It is an admitted fact that the writ petitioner has not chosen to utilise both the opportunities and however, has made the request for challenging the communal category, after the declaration of the results. We find that the petitioner is not entitled to make such request, as such merit ranking list, as rightly contended by the learned if considered and permitted, would certainly affect the A Solicitor General. Therefore, we find that the writ Court Justified in issuing a direction as granted in this case otherwise, the fact remains that the petitioner, in pursuance of the order passed by the writ Court, seems to have no successful remedy before the counselling, even under the SC category”.

17. Further the decision in *Minor S. Jeyanthinathan* (supra), which read as under:

2. The petitioner belongs to OBC category. He has participated in NEET held this year. While filling up the application form, he had erroneously mentioned his communal status as general category. He now wants correction to be made. My heart goes out in favour of the petitioner. I would be happy to allow the petitioner's writ petition. But then, the learned standing counsel for National Testing Agency brings to my notice the decision of the Hon'ble Division Bench rendered in W.A.(MD)No.739 of 2019, dated 22.07.2019. The Hon'ble Division Bench had held as follows:-

8. The writ petitioner sought for changing his communal category in the application submitted for the NEET examination. Admittedly, such request is made by the petitioner after the declaration of the results. It is seen that the authorities have provided two opportunities for the candidates, to make necessary corrections in the on-line application, if any, one before the examination and another, after the examination, however, before declaration of the results. It is an admitted fact that the writ petitioner has not chosen to utilise both the opportunities and however, has made the request for challenging the communal category, after the declaration of the results. We find that the petitioner is not entitled to make such

request, as such request, if considered and permitted, would certainly affect the All India merit ranking list, as rightly contended by the learned Assistant Solicitor General. Therefore, we find that the writ Court is not justified in issuing a direction as granted in this case. Even otherwise, the fact remains that the petitioner, in pursuant to the order passed by the writ Court, seems. to have not become successful before the counselling, even under the SC category.

9. Accordingly, the writ Appeal is allowed and the impugned category. order of the Writ Court is set aside. No costs. Consequently, connected Miscellaneous Petition is closed."

The order passed by the learned single Judge was set aside and the appeal filed by the National Testing Agency was allowed. If I allow the writ petition, my order will meet the same fate. In any event, I bound by the ratio laid down above.

3. The learned standing counsel for National Testing Agency states that two notifications were issued by the NTA and the petitioner failed to avail opportunity to make correction of his communal status then. The results were declared on 04.06.2024 itself. The aforesaid writ appeal is clearly applicable to the facts of this case. wanne.in.gov.injudis It is open to the second respondent to consider the petitioner under ther elevant communal category notwithstanding the NEET ranking."

18. Similarly, the decision in *Rehaan Shiraaz Khan* (supra), which reads as under:

"5. This Court, in W.A.No.1588 of 2022, considered the said question and categorically observed that the appellant The factual therein cannot be granted the relief. circumstances in which the said judgment was rendered, were similar to that of this case. Thus, it is evident from the records that the petitioner submitted an application for a change of category, admittedly after completing the entire process of examination, and now what remains is only the allotment. Since the petitioner failed to even procure the caste certificate within the time stipulated for submitting the application, I do not find any merit in the contention put forward by the petitioner and the relief sought for, since the same in all prbabilities could be an after thought. Moreover, as far as the selection process in NEET is

concerned, it is nation-wide selection process in which lakhs of students have participated. All the participants were granted opportunities to cure the defects. Therefore, permitting one candidate to modify the category at this belated stage would affect the selection process as well. Further, in such a selection process, it is obligatory for the participants to ensure the timeline strictly, as the admission process is to be completed in a time-bound manner, and any interference therein would derail the whole process.

In such circumstances, in the light of the categorical findings in W.A.No.1588 of 2022, I do not find any scope for entertaining this writ petition. Accordingly, this writ petition is dismissed.

19. Similarly the decision of coordinate Bench of this Court in the case of *Shreya Shirish Katkar* (supra), which read as under:

“7. The Petitioner says that hers is a simple application. It only affects her. That is also incorrect. This is the butterfly effect. The so-called little change has an unforeseeable outward ripple that grows and expands exponentially. It is bound to affect the drawing up of the All India Rank and the merit list, because it automatically moves the Petitioner from an open category to a reserved category from the date of inception. That affects the structure of the entire list. There is no method to make a retrospective change, apply it only prospectively and also limit its application. That would mean that every single person likely to be affected must be joined as a respondent to the Petition.

8. Lastly, applications like this, if allowed can only lead to a great deal of mischief and manipulation. All it takes is one case. After that, there is likely to be a torrent of mischievous manipulations. That is in nobody's interest.

20. Shri Kartik Shukul, learned DSGI, has pointed out that hundreds of applications for corrections in category were received by the respondents after the last date granted to the candidates for making/carrying out such corrections. It is thus evident that if the petitioner's request is accepted,

hundreds of similar requests for correction of category will follow, which would lead to complete chaos.

21. In the circumstances, as the change of category of the petitioner from 'General' category to reserved category i.e. 'OBC' category, would affect the entire structure of the merit list and since the person who is likely to be affected for such change of category is not made party to the petition, we are of the opinion that the request of the petitioner for change of category at this stage should/can not be considered.

22. Furthermore, it is settled law that it is not a matter of right and such right or relief should be granted in extra ordinary circumstances where the petitioner has made *bona fide* mistake. We have already observed hereinabove that the present case is not a case of a *bona fide* mistake and the facts narrated hereinabove would show that it is a case of negligence. When a candidate is applying for such a highly competitive examination, it is expected that the candidate should be diligent and exercise due care. In the present matter, though the opportunity was granted on 27.02.2026 and 28.02.2026 up to 11.30 a.m. to correct the category, the petitioner failed to do so despite the fact that on those dates, the petitioner was in possession of the caste certificate in Form 9.

23. Similarly, Shri Tapadia, the learned counsel for the petitioner has placed reliance on the decision in *Dr.Lakshmi P. Gowda' (supra)*, more particularly paragraphs 9 and 16, which read thus:

“9. It is also pertinent to note that the instant ruling is partially reliant on the previous ruling as the author is one and the same. It is reasoned by the learned Single Judge that an attempt by the petitioner therein was to change the reservation category i.e. from one category of reservation to another category of reservation which is not the case on hand and we are unable to accept the findings recorded by the learned Single Judge in view of the facts and circumstances of this instant case. Firstly the presumption that the change of Category would have far reaching repercussions, in our considered opinion, is inapplicable to the facts and circumstances of this case as no material is placed as to what would be the impact permitting the name of the petitioner to be included in the list of reserved candidates. It is not that the petitioner is seeking her name to be entered in multiple reservation Categories, but on the contrary, she is merely claim that her name be included in respect of the quota reserved in respect of IIIA-Category. The candidates who would entitled are only such of those candidates who hail the said caste. Secondly, it is not in dispute that a cut off mark is stipulated for every round of counseling and only such of those candidates who have scored at the cut off mark level or above, it would come into consideration. Hence, to hold that it would revise the entire list or it would straightaway enable the petitioner to become part of the group of candidates entitled for admission is misplaced. Secondly, the instant case is distinguishable on the ground that the petitioner is seeking for migration not from the one reserved category to another reserved category as per relied upon the judgment but is one of seeking for migration from General Category to a Reserved Category.”

16. It is not that the introduction of the petitioner into the merit list would open up the floodgates as the counseling depends not only on the number of candidates, but also on the cut off marks that may be fixed by the competent authority. The question of the petitioner being permitted participation would depend on the fact as to whether she has obtained the qualifying marks. Mere alteration of list will not prejudice any of the candidates found in the merit list. Sheer inadvertence should not be a ground to deny a candidate of an opportunity if she is otherwise duly entitled on merit, for it would be contrary to the very objective of the NEET process itself, that is, an opportunity to the best of the lot.”

24. In the aforesaid case i.e. *Dr Lakshmi Gowda* (supra), it is evident that the Court held that it was an error in applying ‘General’ category and further the Court has observed that there will no change in the merit list, in case of

change of category of the petitioner in the said case. Furthermore, it is important to note that the Karnataka High Court has observed in para 19 that the said judgment shall not be treated as a precedent. Therefore, the said judgment is of no help to the petitioner in the present case.

25. Similarly, the petitioner has relied on paragraphs 14 and 19 of the judgment in the case of *Charu Kain* (supra), which read thus:

14. The petitioner has relied upon the decision of the Division Bench of the High Court of Rajasthan in the case of Kavita Choudhary v 2017 SCC OnLine Raj 3612, wherein the Registrar (Examination) the court had taken a liberal view that the mistakes which do not prejudice any other person, should be permitted to be rectified. The perusal of the said decision indicates that the court had also followed several decisions passed by this Court he aforesaid effect.

19. In view of the above, this Court considers it apposite to allow the present petition. The petitioner shall during the course of the day, submit an undertaking to the respondent requesting the respondent to permit her to rectify the application to disclose her category as an SC category instead of General category and to treat her candidature accordingly. The respondent shall on receipt of the said application process the same and issue admit cards to the petitioner along with other candidates. It is clarified that the respondent shall also issue admit cards to candidates currently listed at Rank nos. 80 and 81, who would after inclusion of the petitioner, would be ranked at Rank nos.81 and 82.”

26. Para 10 of the judgment in *Charu Kain* (supra) shows that the said judgment is distinguishable on facts and furthermore, the observation in para 14 shows that the Court has considered that the mistakes which do not prejudice to any other person, should be permitted to be rectified. In the present case, there is no such case of the petitioner that correction of category of the petitioner will not cause any prejudice to the other persons. Thus, this judgment will also not come to the rescue of the petitioner.

27. In that view of the matter, we are not inclined to entertain the present writ petition and hence the same is dismissed. No order as to costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

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