



\$~53

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 15/2026, CM APPL. 2721/2026 & CM APPL. 2722/2026

RUDRA NANDAN TIWARI

.....Appellant

Through: Mr. Chetan Tripathi, Advocate with
appellant in person.

Versus

GURU GOBIND SINGH INDRAPRASTHA UNIVERSITY
& ORS.

.....Respondents

Through: Ms. Anita Sahani, Advocate for R-1.
Mr. Vikas Chopra, SC for MCD with
Mr. Neeraj Kumar, Adv.
Mr. Balendu Shekhar, CGSC with
Mr. Rajskumar Maurya, Mr. Krishna
Chaitanya and Mr. Divyansh Singh
Dev, Adv for R-3.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

15.01.2026

%

1. The present Appeal has been filed being aggrieved by the order dated 03.12.2025 ("**Impugned Order**") passed by the learned Single Judge in W.P. (C) 18188/2025 ("**Writ Petition**"), whereby the Writ Petition seeking the extension of time for payment of fees and reporting to the Medical College allotted to the Appellant was dismissed on the ground that such relief is impermissible in law.

2. The brief factual background of this Appeal is as under:

2.1. The Appellant is pursuing an undergraduate course from Maharani Laxmibai Medical College, Jhansi, Uttar Pradesh and



appeared in National Eligibility-cum-Entrance Test-2025 (“**NEET-2025**”) held on 04.05.2025 and secured an All India Rank of 19702 and General EWS Rank of 2215.

- 2.2. On 13.05.2025, the Appellant registered for counselling for NEET-2025. However, the Appellant was not offered any seat in Rounds 01, 02 and 03 of the counselling. After conclusion of Rounds 01, 02 and 03 of the counselling for NEET-2025, a Notification dated 11.11.2025 for conducting Stray Vacancy Round starting 11.11.2025 till 13.11.2025 through centralized online counselling for MBBS programme for the Academic Session 2025-26 was issued.
- 2.3. On 14.11.2025, another Notification was issued informing all stakeholders that the deadline for registration and choice filing for Stray Round for the Academic Session 2025-26 was extended till 12:00 Noon of 17.11.2025.
- 2.4. On 20.11.2025, the Appellant came to know that a Notification dated 19.11.2025 was issued, wherein the candidates who were allotted seats in Stray Vacancy Round were directed to make the part payment of academic fee of ₹96,000/- till 12:00 Noon of 20.11.2025 and physically report to the allotted institute before 6:00 PM on 20.11.2025.
- 2.5. Immediately, the Appellant checked the results of the Stray Vacancy Round as published on the website and found that he was selected for MBBS programme in North Delhi Municipal Corporation Medical College and Hindu Rao Hospital under Home State Quota. The Appellant was in Jhansi, Uttar Pradesh



on 20.11.2025 and tried to deposit the fees through Net-Banking, however, was unable to do so within the prescribed time as per Notification dated 19.11.2025 due to connectivity problem in Jhansi. The Appellant was also not in a position to report by 6:00 PM on 20.11.2025 as he was in Jhansi, which is approximately 500 kms from Delhi.

2.6. The Appellant immediately left for Delhi by train and travelled in general coach as he had no ticket and reached New Delhi Railway Station in the morning of 21.11.2025. He hired a Rapido bike at 5:43 AM to reach home.

2.7. The Appellant visited the allotted college and sent e-mails seeking extension of time for depositing the fees, however, there was no response. Accordingly, the Appellant filed the Writ Petition.

2.8. The Writ Petition was dismissed *vide* Impugned Order. Hence, the Appellant has filed the present Appeal.

3. The learned Counsel for the Appellant has made the following submissions:

3.1. Appellant is a meritorious candidate and fully qualified for being allotted to a seat. After the due process of selection, the Appellant was allotted the seat, however, due to inability to deposit the fees and report to the allotted college within time, the Appellant has been denied admission. It was submitted that the period of one day for depositing the fee and reporting to the allotted college was very short period and, therefore, the Impugned Order wrongly rejects the Writ Petition by not



considering the prayer of the Appellant to extend the period for deposit of the fee.

- 3.2. The time of one day granted for depositing the fees and physically reporting to the allotted college was wholly arbitrary, whimsical and unreasonable. Respondent No. 1 itself extended the time *vide* Notifications dated 11.11.2025 and 14.11.2025 to the candidates to fill fresh choices / references and did not give sufficient time to deposit the fee and physically reporting to the allotted college.
- 3.3. Although time period for prescribing the cut-off dates and eligibility conditions for admissions or selections is in the domain of the Executive, such power comes with a caveat of not prescribing the cut-off dates with arbitrariness and in capricious manner. In the present case, the time prescribed of one day for depositing the fee and physically reporting to the allotted college was entirely arbitrary and deserves intervention of this Court.
- 3.4. The Appellant successfully secured a seat by clearing NEET-2025 and participating in the counselling for the Stray Vacancy Round of admissions, however, due to inability to deposit the fee and report at the allotted college within time, the Appellant lost the opportunity to avail the seat allotted to him. It was physically impossible for the Appellant to reach at the allotted college in Delhi as he was in Jhansi and he could not deposit the fees in time due to connectivity issues. The Appellant made his best efforts to reach Delhi as soon as he became aware of the deadline, however, there was a delay of one day on the part of



the Appellant, which was neither deliberate nor intentional.

3.5. In the cases of *Prince Jaibir Singh v. Union of India & Ors.*, (Civil Appeal No. 6983/2021) and *Atul Kumar v. The Chairman (Joint Seat Allocation Authority) & Ors.*, (Writ Petition (Civil) No. 609/2024), the Supreme Court has in exercise of its powers under Article 142 of the Constitution of India, 1950 to do substantial justice granted extension of time to deposit the fees and permitted admission to the candidates, who had furnished the login details to show that the attempts to make the payment of fees in time were made, however, the same could not be processed.

3.6. The Appellant will suffer huge loss and irreparable prejudice without any fault on part of the Appellant, if the extension of time is not granted to make the payment of fees and reporting to the allotted college.

4. We have heard the learned Counsel for the Appellant and the learned Counsel for Respondent No. 1.

5. We have full sympathy with the Appellant in view of the facts and circumstances narrated in this Appeal, however, the law with regard to extending the cut-off date and schedule for admissions is well settled. The learned Single Judge in the Impugned Order has examined the law and come to conclusion that it is not permissible to extend the cut-off date prescribed in the Notification dated 19.11.2025. The relevant extract of the Impugned Order is as under:

“10. Having heard learned counsels for the parties, I am of the view that the relief sought by the Petitioner cannot be granted by this Court. Even though the Court sympathizes with the Petitioner,



no direction can be issued permitting the Petitioner to join the allocated college at this stage. It is trite that prescribing cut-off dates and/or eligibility conditions for admissions or selections is the domain of the executive. No doubt, when cut-off dates are prescribed, many candidates will fall on the wrong side but this cannot be sufficient reason to direct alteration or extension of cut-off dates. In Shikhar and Another v. National Board of Examination and Others, (2024) 15 SCC 725, the Supreme Court held that that it is domain of the executive and regulatory authorities to formulate appropriate eligibility standards for admissions. In Indian Institute of Technology and Others v. Soutrik Sarangi and Others, (2021) 17 SCC 79, the Supreme Court has held that Court should be circumspect in exercising powers of judicial review in matters concerning academic policies including admission criteria, etc. The Supreme Court in Hirandra Kumar v. High Court of Judicature at Allahabad and Another, (2020) 17 SCC 401, held that power to fix cut-off date or age-limit is incidental to regulatory control which authority exercises over selection process. A certain degree of arbitrariness may appear on the face of any cut-off date which is prescribed since candidates on the wrong side of line may stand excluded as consequence but that is no reason to hold that the cut-off date is arbitrary.

11. In light of the aforesaid judgments, this Court is unable to come to the aid of the Petitioner as accepting his plea would amount to extending the cut-off date prescribed in the notification dated 19.11.2025, which is impermissible in law. Accordingly, the writ petition is dismissed along with pending application.”

6. In view of the above analysis, we find no infirmity with the Impugned Order and entirely agree with the conclusion arrived at in the Impugned Order. Hence, no interference is required as the relief sought by the Appellant is impermissible in the law.

7. As regards the decisions in **Prince Jaibir Singh** (*supra*) and **Atul Kumar** (*supra*), the Supreme Court had exercised the powers under Article 142 of the Constitution of India, 1950 to do substantial and complete justice granted the admission to the candidates in the facts where the candidates



were able to show that they had made attempts to make payment of fee by producing the login details, however due to technical reasons, they were unable to make the payment in time.

8. The above cases are not helpful to the Appellant as the Appellant has not been able to produce any proof on record to show the attempts were made by the Appellant to make the payment of fees on 20.11.2025 before the cut-off time. Further, the decisions were passed while exercising the powers under Article 142 of the Constitution of India, 1950 as specifically stated therein by the Supreme Court to do complete and substantive justice. Such powers are not available under Article 226 of the Constitution of India, 1950. Accordingly, the Impugned Order is entirely in accordance with the extant law and does not require any interference.

9. In any event, the learned Counsel for Respondent No. 1 has submitted that the process of admission has already concluded and the seat allocated to the Appellant has been allotted to another candidate. Hence, this Court has no power to create a seat as there is no vacancy available.

10. In view of the above, the present Appeal along with the pending Applications stand dismissed.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

JANUARY 15, 2026

ap