



\$~105

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

Date of decision: 13.05.2026

+ **W.P.(C) 6235/2026 & CM APPL. 30551/2026**

KRITI LATA(MINOR) THROUGH HER FATHER, SHRI AMIT KUMAR

.....Petitioner

Through: Mr. Apoorv Sarvaria, Advocate
(DHCLSC) alongwith Ms Yashika Sarvaria, Ms
Khusboo Sharma, Advocates

versus

UNION OF INDIA & ANR.

.....Respondent

Through: Mr. Vikrant Nilesh Goyal with Ms.
Disha Choudhary GP, Ms. Satvika Goyal, Mr.
Yash Basoya, Mr. Inderpreet Singh, Advs. for R1
Mr. Sanjay Khanna (SC), Ms. Pragya Bhushan,
Ms. Vilakshana Dayma, Ms. Anshu Kumari,
Mr. Saurabh Pandey, Advs. for R2/NTA

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

JASMEET SINGH, J. (ORAL)

1. This is a writ petition filed under Article 226 of the Constitution of the India seeking that the petitioner be permitted to complete registration process and be able to appear in the Common University Entrance Test (“**CUET UG**”) 2026 Examination scheduled to be conducted from 11.05.2026 to 31.05.2026.
2. The brief facts of the matter are that the petitioner is a minor and is represented through her father and natural guardian. The petitioner to get admission in undergraduate courses in Indian universities applied



for CUET UG conducted by the National Testing Agency (“NTA”) i.e., respondent No. 2. The CUET UG Examinations, 2026 are scheduled to be conducted from 11.05.2026 to 31.05.2026 and online application for its registration was initially open from 03.01.2026 to 30.01.2026, which was subsequently extended from 23.02.2026 to 26.02.2026.

3. The petitioner applied for the registration on 27.01.2026 and completed the application process and paid the requisite fee of Rs.1,800/- on 27.01.2026 itself and as per the petitioner at the time of payment, the portal reflected a “payment successful” and no message, alert or email was sent. It was only on 05.04.2026, that the petitioner logged into the portal and found out that her application is marked as incomplete due to non-payment. On verification, it was found out that the payment amount of Rs. 1,800/- was refunded/ got bounced back to the account on 29.01.2026 and the went unnoticed by the petitioner/ her father due to being a small amount.
4. Consequently, the petitioner made representation dated 08.04.2026 to the respondent No. 2 seeking resolution of her application and also informed the respondent No. 1 about submission of her application and the technical glitch and requested to allow her to complete the application and repay the fee amount. However, the same was not responded.
5. Hence, the present petition.
6. Mr. Khanna, learned standing counsel for the respondent No. 2/NTA, opposes the petition and states that the timelines are sacrosanct and are meant to be scrupulously followed and the timelines given in the



Information Bulletin are peremptory norms.

7. The petitioner had ample opportunity to complete the application and submit the fees during the extension periods and petitioner's fault/negligence cannot be constructed as breach of fundamental right. He further states that CUET UG Examinations process is a complex one and accommodating petitioner at this stage could not only disturb the entire management of the examination but would also lead to discrimination against 315 applicants who approached respondent No.2/NTA to re-open the fee payment window and also against 4,251 applicants who approached respondent No.2/NTA for the re-opening of application window with payment window. Further, in entrance examination, like CUET UG, personal hardship or abstract considerations of sympathies should not be considered.
8. I have heard learned counsel for the parties and perused the documents available on record.
9. In the present case, the bank statement of petitioner's father through which the payment was made shows that the payment was made by the petitioner on 27.01.2026 and an amount of Rs. 1,800/- was also deducted from the bank account on 27.01.2026. While it is true that bank statement also shows that the said payment was refunded on 29.01.2026, however, the fact remains that the petitioner completed the registration from her side by making the payment in due time on 27.01.2026. The non-payment of fee due to bounce back of amount after 2 days is not on account of petitioner's personal fault and the same cannot be attributed to the petitioner, at best it can only be termed as a technical irregularity.



10. The petitioner though should have been cautious with respect to her application form and should have revisited the portal to confirm the registration, but the fact that the petitioner did pay the application form fee within the timeline cannot be ignored and bounce back of the said amount cannot be said to be the fault of the petitioner.
11. Additionally, in order/judgment dated 01.04.2026 in **W.P.(C) 3859/2026 titled as “Aarush Jain vs. National Testing Agency And Anr.”** I have already taken a view that mere technical irregularity cannot restrain a candidate from perusing her/his educational dreams. The relevant paragraphs from the said order/judgment reads as under:-

“16. In the present case, the payment receipt shows that the payment was made by the petitioner and the transaction status was reflected as “success”. Subsequently, an amount of Rs. 1015.34/- was also deducted from the bank account of the petitioner’s father on 03.02.2026. Hence, the non-payment is not on account of petitioner’s fault and the same cannot be attributed to the petitioner, at best it can only be termed as a technical irregularity.

17. The fact which is vehemently contended by the respondent No. 1 to oppose the present petition, that the confirmation page was not generated is also to my mind a procedural irregularity.

18. A perusal of the petition also shows that when a candidate applies for JEE (Main) – 2026 Session-1, an application number is generated. It is the same application number which is carried through to the second session and only on payment of fee for Session-2, the petitioner becomes eligible to appear in the



Session-2 of the said examination. The application number remains same for both the sessions.

19. The petitioner though should have been cautious with respect to his application form and should have seen the generation of a confirmation page, but the fact that the petitioner had duly paid the application form fee, even though the same was not credited to the respondent's account, cannot be said to be the fault of the petitioner.

20. The Hon'ble Supreme Court in its judgment titled Farzana Batool v. Union of India, (2024) 15 SCC 818, has made the following categorical observations with respect to the right to pursue higher education:

“10. Given that the issue raised in this case concerns access to education, albeit at the professional level, we would like to take this opportunity to underscore the importance of creating an enabling environment to make it possible for students such as the petitioners to pursue professional education. While the right to pursue higher (professional) education has not been spelt out as a fundamental right in Part III of the Constitution, it bears emphasis that access to professional education is not a governmental largesse. Instead, the State has an affirmative obligation to facilitate access to education, at all levels .”

(Emphasis supplied)

21. In this view of the matter, the Court under this extraordinary jurisdiction is required to ensure substantive justice, a mere procedural or technical irregularity cannot defeat the notion of



substantive justice which leans in favour of the petitioner especially when the right to pursue higher/professional education of the petitioner is at stake. The petitioner in this situation when he is not at fault cannot be left in the lurch and cannot be penalized for no fault attributable to him.

xxxxxxx

24. I am of the view, that logistical issues as highlighted by the learned counsel for the respondent No. 1, cannot take precedence or come in the way of giving an opportunity to a candidate in participating in an examination as important such as JEE, which is a dream for a lot of students in our Country. The same would not only result in penalization of the candidate when he is not at fault but also would result in defeating the right of the petitioner.”

12. The said order/judgment has been upheld by the Hon’ble Division Bench of this Court *vide order/judgment dated 06.04.2026 in LPA No. 209/2026*, wherein the paragraph No. 15 reads as under: -

“15. The stand of the Appellant that unless the Confirmation Page is generated, the application remained incomplete is correct, however, when Respondent No. 1 had already made the payment of fee, which was remitted back to his father’s bank account after two days, no fault of Respondent No. 1 can be found. Accordingly, the learned Single Judge has rightly exercised the writ jurisdiction to ensure substantive justice. Respondent No. 1 cannot be denied an opportunity to participate in the examination on a procedural or a technical irregularity,



which can be rectified by the Appellant by permitting Respondent No. 1 to make the payment of the fee.”

13. To my mind, the petitioner has a *prima facie* case as in the present factual matrix, the petitioner is not blocking a seat of any candidate nor is getting any unfair advantage over any student. At this preliminary stage of the process, the oversight/ the mistake of the petitioner, will only cause administrative disturbance, if any, to respondent No. 2/NTA.
14. Accordingly, the petition is allowed, and the respondents shall take every necessary step to facilitate the petitioner to participate in the CUET UG Examination scheduled on any of the scheduled dates and center convenient to the respondents by giving a notice 24 hours prior in writing to the petitioner.
15. The procedural formalities shall also be completed by the petitioner immediately.
16. The counter-affidavit handed over in Court today is taken on record.

JASMEET SINGH, J

MAY 13, 2026/ms