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

+ W.P.(C) 6457/2026 & CM APPL. 31855/2026

AADIT SHERYAR

.....Petitioner

Through: Mr. Mohd. Anas and Mr. Akshay
Bedi, Advs.

versus

JOINT SEAT ALLOCATION AUTHORITY (JOSSA) & ORS.

.....Respondents

Through: Mr Mahendra Vikram Singh, SPC
with Ms Pinki Pawa, GP and Ms.
Avnish Singh, Adv. for R-2
Mr. Mitra Adv. (appearance not
given)

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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12.05.2026

1. This is a writ petition filed under Article 226 read with Article 227 of the Constitution of India seeking the following prayers:-

“a. Issue an appropriate writ, order or direction, in the nature of mandamus, thereby directing the Respondents to declare the Petitioner eligible to appear in JEE (Advanced), 2026 Examination scheduled to be conducted on 17.05.2026;

b. Issue an appropriate writ, order or direction thereby setting aside/quashing the impugned action/communication dated 27.04.2026 (Annexure A-8) and the rules and interpretation adopted by the Respondents whereby the Petitioner has been treated as ineligible under Criterion A5 on account of



purported/deemed admission/acceptance of a seat under the JoSAA counselling process for academic year 2025-26 despite the Petitioner never having physically reported before the allotted IIT and never having completed the final admission formalities;

c. Issue an appropriate writ, order or direction directing the Respondents to permit the Petitioner to register for JEE (Advanced) 2026 exam scheduled to be conducted on 17.05.2026 and to issue Admit card to the petitioner thereby permitting him to appear in said exam and if found successful and eligible, to further permit the Petitioner to participate in all consequential counselling and admission process.

d. Pending final adjudication of the present writ petition, pass an interim order thereby directing the Respondents to provisionally permit the Petitioner to register, obtain Admit Card and appear in JEE (Advanced) 2026 scheduled to be conducted on 17.05.2026 and further permit participation in the consequential counselling process, subject to final outcome of the present writ petition...”

2. The case of the petitioner is that the petitioner, belonging to SC Category and has an excellent academic record, appeared in JEE (Main) 2025 conducted by the National Testing Agency (NTA). On 18.04.2025, the result of JEE (Main) 2025 was declared and on successfully qualifying the same, the petitioner became eligible to appear in JEE (Advanced) 2025, held on 18.05.2025. On 02.06.2025, the result of JEE (Advanced) 2025 was declared and the petitioner became eligible for admission into Indian



Institutes of Technology (“**IIT**”) through counselling process. The petitioner participated in JoSAA counselling process and during round No. 1 of JoSAA counselling 2025, the petitioner was provisionally allotted a seat in the course “Computer Science and Engineering” at IIT Bhilai.

3. In accordance with the counselling mechanism and to avoid cancellation of the candidature, the petitioner completed provisional online formalities including uploading of documents and payment of Seat Acceptance Fees but opted for option “Float”, thereby intending to participate in subsequent rounds of counselling.

4. As per the petitioner, the petitioner however never physically reported for IIT Bhilai and hence, participated in the 2026 examination again. In the 2026 examination, the petitioner secured 99.43 percentile in JEE (Main) 2026 and become eligible for participation in JEE (Advanced) 2026.

5. When the petitioner sought to register for JEE (Advanced) 2026, he realised that he was ineligible in view of Criterion A5 of the JEE (Advanced) 2026 Information Brochure.

6. Hence, the present petition.

7. For the said reasons, issue notice.

8. Mr. Singh, learned SPC accepts notice on behalf of the respondent No. 2.

9. Mr. Mitra, learned counsel accepts notice on behalf of respondent Nos. 1 and 3 and states that for this year, respondent No. 3 is the nodal agency for conducting the examination and seat allocation. He states that respondents are bound by Criterion A5 of JEE (Advanced) 2026 Information Brochure and since the petitioner has already secured admission at IIT Bhilai, the petitioner is ineligible under Criterion A5 of JEE (Advanced)



2026 Information Brochure. He further states that the petitioner seat at IIT Bhilai has not been allotted to anybody else.

10. I have heard learned counsels for the parties.

11. A copy of JEE (Advanced) 2026 Information Brochure, has been handed over on the Court today and the Criterion A5 of the same reads as under:-

“Criterion A5- Earlier admission at IITs

A candidate should NOT have been admitted to an IIT under any academic program that is listed in JoSAA Business Rules of 2025, irrespective of whether or not the candidate continued in the program OR accepted an IIT seat by reporting “online”/ at a “reporting centre” in the past. Candidates whose admission to IITs was cancelled (for whatever reason) after joining any IIT are also NOT eligible to appear for JEE (Advanced) 2026. Candidates who have been admitted to a preparatory course in any of the IITs for the first time in 2025 can appear in JEE (Advanced) 2026.

The candidates who were allocated a seat in an IIT through JoSAA 2025 but (i) did not report “online”/at any “reporting centre” OR, (ii) withdrew before the last round of seat allotment, OR, (iii) had their seat cancelled (for whatever reason) before the last round of seat allotment for IITs, are eligible to appear for JEE (Advanced) 2026.

However, in all of the above cases, the candidate is also required to fulfil the conditions mentioned from Criterion A1 to Criterion A4.”



12. 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)

13. In the present case, the petitioner no doubt is a brilliant student and has secured 99.43 percentile in JEE (Main) 2026. In case the petitioner is not permitted to study in the most premier institute of the country, the petitioner would lose his opportunity to excel and do well in his educational carrier.

14. In this view of the matter, the Court under this extraordinary jurisdiction is required to ensure substantive justice, especially when the right to pursue higher/professional education of the petitioner is at stake. I am of the view that denying a brilliant student such as the petitioner opportunity to study in one of the most prestigious institute of the country, which is a dream for a lot of students in our Country, would not only result in penalization of the candidate but also defeat the right of the petitioner.



15. A perusal of Criterion A5 of JEE (Advanced) 2026 Information Brochure, reproduced above, suggests that the petitioner is ineligible to participate in the JEE (Advanced) 2026 on account of already having secured a seat at IIT Bhilai. Since, the petitioner is ineligible due to the fact the petitioner has already secured a seat at IIT Bhilai in 2025 session, in order to do complete and substantial justice, nothing prevents the Court from ensuring that the petitioner is admitted at IIT Bhilai to complete his allotted course.

16. Hence, it is directed that the respondent No. 4/ IIT Bhilai shall ensure that the petitioner is granted adequate assistance and indulgence to make up for the lost one year in IIT Bhilai.

17. With these directions, the present petition is disposed of with liberty to the petitioner to revive the petition in case of any difficulty.

18. Consequently, pending applications, if any, are also disposed of.

19. The copy of JEE (Advanced) 2026 Information Brochure handed over in the Court shall be taken on record.

JASMEET SINGH, J

MAY 12, 2026/NG