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

+ W.P.(C) 8143/2025 & CM APPL. 35528/2025

AKSHITA SEHRAWAT (MINOR) REPRESENT BY HER

FATHER SH. DEEPAK KUMARPetitioner

Through: Mr. Gaurav Deshraj and Mr. Naveen
Kumar, Advs.

versus

DELHI TECHNICAL UNIVERSITY (DTU) & ORS.....Respondents

Through: Mr. S. Rajappa R Gowrishankar and
Ms. G. Dhivyasri, Advs. for NIOS.
Ms. Pankhuri Shrivastava and Mr.
Aditya Kumar, Advs. for R-5/NTA.
Ms. Avnish Ahlawat, SC for DTU
with Mr. NK Singh, Ms. Aliza Alam,
Mr. Mohnish and Mr. Amitoj, Advs.
for R-1 to R-3.
Mr. Arjun Mitra, Adv. for R-4.

+ W.P.(C) 7928/2025 & CM APPL. 34891/2025, 34892/2025

OM UPADHYAY & ORS.Petitioners

Through: Mr. Ankit Singh Sinsinwar, Mr. Ravi
Kumar, Mr. Dhananjay Kumar and
Ms. Neha Yadav, Advs.

versus

JOINT ADMISSION COMMITTEE DELHI
& ORS.Respondents

Through: Mr. S. Rajappa, Mr. R. Gowrishankar
and Ms. G. Dhivyasri, Advs. for R-
3/NIOS.
Ms. Avnish Ahlawat, SC for DTU
with Mr. NK Singh, Ms. Aliza Alam,
Mr. Mohnish and Mr. Amitoj, Advs.
for R-1 & R-2.

+ W.P.(C) 7941/2025 & CM APPL. 34945/2025, 34946/2025

ARYAN VERMAPetitioner

Through: Mr. Samar K., Mr. Anmol Agarwal,
Mr. P. Sharma, Mr. Kushal Gupta,

Mr. Abhishek Singh, Ms. Kavita
Vinayak and Mr. Gaurav Vashisht,
Advs.

versus

NATIONAL INSTITUTE OF OPEN SCHOOLING
& ORS.

.....Respondents

Through: Mr. S. Rajappa, Mr. R. Gowrishankar
and Ms. G. Dhivyasri, Advs. for R-
1/NIOS.

Mr. Soumava Karmakar and Ms. Jyoti
Bajaj, Adv. for UOI.

Ms. Avnish Ahlawat, SC for DTU
with Mr. NK Singh, Ms. Aliza Alam,
Mr. Mohnish and Mr. Amitoj, Advs.
for R-3.

Mr. Arjun Mitra, Adv. for R-2 & R-5.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

30.05.2025

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1. The petitioners in the present petitions are the students who have successfully cleared JEE (Mains)-2025 conducted by respondent/National Testing Agency (NTA) and have secured the following category wise All-India Ranks and percentiles:

Item. No.	Name	W.P(C)	Category	Percentile	Rank
46.	Akshita Sehrawat	8143/2025	General	86.9632972	192413
90.	Om Upadhyay	7928/2025	General-EWS	97.7853600	4683
	Vivaan Deepak		SC	72.5478100	27417
	Aditya Kumar		General	91.6685113	123617
91.	Aryan Verma	7941/2025	SC	80.0198373	17455

2. The case set out by the petitioners in their respective petitions is that

they got registered with the *National Institute of Open Schooling* ('NIOS') and appeared for the Senior Secondary School Examination (Class-XII) Examination which commenced from 22.04.2025 and ended on 07.05.2025.

3. The result of petitioners' Class-XII Examination is awaited. The petitioners having secured qualifying percentile in the JEE (Mains) are now entitled to participate in the counselling which is to be conducted by the *Joint Seat Allocation Authority* ('JoSAA') as well as *Joint Admission Council* ('JAC').

4. JOSAA has been set up by the Ministry of Education to manage and regulate joint seat allocation for admission to 127 institutes for the academic year 2025-2026, which includes 23 IITs; 31 NITs; IITEST, Shibpur; 26 IIITs and 46 other Government Funded Technical Institutes. The admission to all the academic programmes for all these institutes will be made through a single platform.

5. JAC will conduct counselling for admission to undergraduate programmes in Delhi Government funded premium universities offering engineering and architecture programmes, started in the year 2014 as an initiative of Government of NCT of Delhi. For the academic years 2025-2026, Delhi Technological University (DTU); Netaji Subhash University of Technology (NSUT); Indira Gandhi Delhi Technical University for Women (IGDTUW); and Delhi Skill and Entrepreneurship University (DESU) are participating in JAC for their B.Tech and B.Arch programmes.

6. The common grievance articulated by the petitioners in their respective petitions is that since their result for Senior Secondary School Examination undertaken by the them in the month of April-May, 2025 has not yet been declared by NIOS, they are not being allowed to participate in

the counselling process by JAC. However, no such embargo as been imposed by JoSAA.

7. Learned counsels appearing on behalf of petitioners submit that despite petitioners qualifying JEE (Mains)-2025, they are being severely prejudiced solely due to delay in the declaration of Class-XII results by NIOS which serves as an eligibility criterion for candidates to register/participate in the counselling process of JAC.

8. The relevant clauses 2.2 and 2.3 of JAC counselling broacher reads as under:

2.2 Qualifying Examination

The qualifying examination for admission to all the programmes offered by the participating Universities / Institute will be any one of the following:

- (i) Senior School Certificate Examination (12-year 10+2 course) of the Central Board of Secondary Education (CBSE), New Delhi.
- (ii) Indian School Certificate Examination (12-year 10+2 course) of the Council for Indian School Certificate Examination, New Delhi.
- (iii) Any other examination recognized as equivalent to the Senior School Certificate Examination of the CBSE.

Note: Candidates who have appeared at the annual examination in the year 2025 and have been placed in compartment (supplementary) will not be eligible for admission for the year 2025.

2.3 Criteria of Minimum Marks in Qualifying Examination

2.3.1 B. Tech. Programmes offered by NSUT, DTU, IGDTUW and Dual Degree B.Tech. (MAE) + MBA at IGDTUW

A candidate securing 60% or more marks in an aggregate of Physics, Chemistry and Mathematics, and has passed English (Core or Elective) as a subject of study at the Senior School Certificate Examination level AND having JEE Main 2025 Rank (Paper-I) shall be eligible for admission to the B. Tech. programme provided he/she has passed in each subject separately.

2.3.2 B. Tech. Programmes at IIT-Delhi

A candidate who has secured 70% or more marks in the aggregate of best of five subjects including Physics, Chemistry & Mathematics subject to 70% or more marks in Mathematics in the qualifying examination AND having JEE Main 2025 Rank (Paper I) shall be eligible for admission.

2.3.3 B. Arch. Programmes at NSUT and IGDTUW

No candidate shall be admitted to B.Arch. programme unless she/he has passed 10+2 or equivalent examination with Physics, Chemistry, Mathematics and English subjects with at least 45% marks in aggregate or passed 10+3 Diploma Examination with Mathematics as compulsory subject with at least 45% marks in aggregate, as the case may be AND qualified JEE Main 2025 (Paper-II) examination.

9. They submit that not permitting the petitioners to participate in the counselling for no fault of theirs would severely prejudice them as it will lead to waste of their complete academic year. The petitioners have no control on the declaration of result. If the petitioners are allowed to participate in the counselling process, no prejudice will be caused to the respondents/other candidates so long as it is clarified that their participation in the counselling process will not create any special equities in their favour.

10. They further submit that JAC has issued a notification notifying the counselling process on 21.05.2025, wherein, last date and time for online registration is fixed as 02.06.2025 till 10.30PM. A single day window of 19.06.2025 is also given to the candidates, who missed the earlier window of registration to register and submit their preference of choices of institute/branch.

11. In the above backdrop, it is urged that petitioners should be allowed to register/participate in the counselling process being undertaken by JAC and further direction may be given to NIOS to expedite the declaration of results.

12. Learned counsel appearing on behalf of the petitioners have placed reliance on the following decisions, to contend that a candidate successful in admission test ought not to be ordinarily rejected for the failure to furnish the result/mark sheet of the qualifying examination, as the student exercises no control over the declaration of the result, and not communicating the result within the stipulated time cannot be attributed to the student.:

i. Deepika Chaudhary vs University of Delhi, 1996 SCC OnLine Del 677;

ii. Sachin Katyal vs University of Delhi and Anr., order dated

23.07.2015 in WP(C) 6985/2015 [Sachin Katyal I];

iii. Sachin Katyal vs University of Delhi and Anr., 2015 SCC OnLine Del 10866 [Sachin Katyal II];

iv. Akash Malhotra vs. All India Institute of Medical Sciences, 2015 SCC OnLine Del 11411 and

v. Charles K. Skaria & Ors. vs Dr. C. Mathew & Ors., (1980) 2 SCC 752.

13. In view of the above, issue notice. Mrs. Avnish Ahlawat accepts notice on behalf of respondent/JAC. Mr. Arjun Mitra accepts notice on behalf of respondent/JoSSA. Likewise, Mr. S. Rajappa accepts notice on behalf of respondent/NIOS.

14. Mrs. Avnish Ahlawat, learned counsel appearing on behalf of the respondent/JAC, on instructions, submits that the whole schedule of the counselling is planned, based on eligibility and other conditions as defined by the participating University/Institute, which has to be completed in a limited time span because of many constraints.

15. She submits that apart from JEE (Mains) rank, the marks of Class-XII along with marks in individual subjects in class XII (as set by the participating University/Institutes of JAC, Delhi) are the essential part of the eligibility criterion, based on which the allotment of seat is done. Apart from this, there are several other predefined modalities and conditions of the processes, which is planned and executed by taking the technical support from NIC. In this regard, there is an agreement between JAC and NIC, defining the terms of the Counselling process.

16. She submits that as per the defined process, there is no option to complete the registration process of JAC, for a student, who is not having

the result of class XII. In JAC, there is no 'Conditional Provision' to Register/Appeal in the counselling process. Even candidates who have appeared at the annual examination in the year 2025 and have been placed in compartment (supplementary) will not be eligible for admission for the year 2025, as such candidates if allowed with improvement, may disturb the whole schedule of JAC.

17. She submits that because of many technical/procedural constraints, preconditions and very tight schedule, any deviation will cause very adverse effect over the admission of many candidates and the academic schedule of the participating Universities/Institutes.

18. She therefore, contends that petitioners cannot be permitted to register/participate in JAC counselling without having attained eligibility of having cleared Class-XII examination with minimum percentage prescribed.

19. Mr. S. Rajappa, learned counsel appearing on behalf of respondent/NIOS, on instructions, submits that it will take at least three weeks' time to declare the result.

20. Mr. Arjun Mitra, on instructions, fairly states that there is no precondition imposed by JoSSA that the candidate must possess class XII result at the time of registration for counselling.

21. Having heard the learned counsel for the parties, at this stage it only needs to be seen that as an interim relief whether the petitioners can be permitted to register for JAC's online counselling / choice filling for which the last date is 02.06.2025, or subsequently through a single day window that would again be available on 19.06.2025 for fresh registration.

22. The important dates and instructions for online registration and counselling in respect of B.Tech and B.Arch in JAC, Delhi are as under:

Important instructions:

1. Registration is open as per the below mentioned timelines – **May 21, 2025 to June 02, 2025** and then again for a **single day on June 19, 2025 before round 2** as per the timings mentioned. **Candidates may also edit their choices during this period.** Registration will not be allowed any further before any round throughout the JAC Delhi Admission Cycle. Applications are received without prescribed registration fee of Rs.1500/- shall not be considered.

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1	Commencement of Online Registration and Choice Filling. (Along with Application Fee Payment)	May 21, 2025 (Wednesday) from 10.00 AM
2	Last Date and Time for Online Registration (Registration Form filling, Registration fee payment and Choice Filling)	June 02, 2025 (Monday) Till 10.30 P.M.

23. The Counselling Schedule for the First Round is reproduced as under:

FIRST ROUND		
1.	Declaration of Seat Allotment Result	June 09, 2025 (Monday)
2.	Physical Reporting after Payment of Seat Acceptance Fee at respective University/Institute* for Document Verification (Time: 10:00 AM to 03.00P.M)	
	Delhi Region: ST Category Delhi Region: OBC Category with JEE (Main)-2025 CRL Rank upto 80000	June 10, 2025 (Tuesday)
	Delhi Region: OBC Category with JEE (Main)-2025 CRL Rank above 80000	June 11, 2025 (Wednesday)
	Delhi Region: SC Category	June 12, 2025 (Thursday)
	Delhi Region: EWS Category Delhi Region: CW, PD, SG, KM, sub-categories	June 13, 2025 (Friday)
	Outside Delhi Region : All categories	June 16, 2025 (Monday)
	Delhi Region: GEN Category with JEE (Main)-2025 CRL Rank upto 25000	June 17, 2025 (Tuesday)

	<i>Delhi Region: GEN Category with JEE (Main)- 2025 CRL Rank above 25000</i>	<i>June 18, 2025 (Wednesday)</i>
	<i>Candidates who have been allotted a seat in round-1 and do not pay the seat acceptance fee or have paid the required Seat Acceptance Fee and do not report physically for document verification and respective University/Institute, the admission will be cancelled.</i>	

24. The counselling schedule notified by JAC on 21.05.2025 further provides the following important note as under:

“IMPORTANT NOTE:

A single day window is being given for candidates who missed the earlier window of registration to register and submit their preference of choices of institute/branch as per schedule mentioned below under Round 2.

During this period, already registered candidates can also edit their choices in case they wish to do so.

(Note: Choice Editing Option will NOT be opened again in subsequent rounds so all interested eligible candidates are advised to modify/add their preference of choices completely and carefully”

(emphasis supplied)

25. Before proceeding further, it is appropriate to advert to various decisions relied upon by the petitioners. In ***Deepika Coudhary*** (supra), the Coordinate Bench of this Court dealing with similar circumstances, where the result of qualifying exam had not yet been declared, held as under:

16. The petitioner was duly successful in the admission test and was admitted for the course and part of the fee was accepted from her. The only ground of her rejection at a subsequent stage is that she failed to furnish her result/marks sheet for M.A.(Pol. Science) Examination. The said result was obviously not declared by the University of Delhi over which the petitioner exercised no control. Therefore, it was not on account of her lapse that the necessary result could not be communicated within the stipulated period. In this background, respondents 4 and 5 should have permitted the petitioner to continue her

course and not maintained a strict posture in following the prescribed regulation fixing the last date as 14th August, 1996 in a rigid manner. The University has to consider the welfare of the student and the impact of cancellation for non-compliance of one of the conditions for admissions, when fees have already been paid and no fault could be attributed to the petitioner. Surely this discretion can be easily exercised by even the statutory body which is empowered to consider each case on its own merits. The provision has to be benevolently interpreted and reasonably administered. This will not in any manner amount to disrespect and discredit to the Academic Council.

(emphasis supplied)

26. In *Sachin Katyal I* (supra), a Coordinate Bench of this Court while deciding an interim relief, where the result of the qualifying exam in which the petitioner therein had participated was not declared at the time of counselling, directed as under:

“19. It is informed that the second round of counselling is scheduled for tomorrow i.e. 24th July, 2015. The petitioner has sought interim relief of stay of the said second round of counselling. Instead of doing so, it is deemed expedient to direct the respondent University to allow the petitioner to participate in the second round of counselling scheduled for tomorrow i.e. 24th July, 2015 or on any subsequent date, but with the clarification that the same will not create any special equity in favour of the petitioner and will be without prejudice to the outcome of this petition and to the rights of any other person who has been excluded for the same reason. The respondent University is also directed to, if possible, inform other candidates similarly placed as the petitioner, of this order and to call them also for counselling scheduled for tomorrow i.e. 24th July, 2015, so that by the next date of hearing, it can be known, whether the petitioner has a chance also for admission or not. Needless to state that even if the petitioner qualifies for admission in the counselling scheduled for tomorrow i.e. 24th July, 2015 and if subsequently some candidate higher in rank

than the petitioner and who was excluded for the same reason emerges, the rights of that candidate shall also be considered.”

(emphasis supplied)

27. ***Sachin Katyal II*** (supra) is the final decision in the case where this Court, as noted above, as an interim measure¹, had allowed the petitioner therein to participate in the counselling process even though the result of the qualifying examination was not declared. The Court after referring to various decisions of this Court as well as of Hon’ble Supreme Court held as under:-

25. This Court as far back as in Deepika Chaudhary v. University of Delhi 64 (1996) DLT 503 observed that a candidate successful in admission test ought not to be ordinarily rejected for the failure to furnish the result/mark sheet of the qualifying examination. It was held that a student exercises no control over the declaration of the result and not communicating the result within the stipulated time cannot be attributed to the student. It was reasoned that the University has to consider the welfare of the student and the impact of cancellation of admission and ought to exercise discretion on a case to case basis. It was further held that the provision has to be benevolently interpreted and reasonably administered. The Supreme Court in Shalini v. Kurukshetra University (2002) 2 SCC 270 also observed that a student cannot be faulted for the delay on the part of the University in declaring the result, dispatching the same or even in re-evaluation of the answer book when has taken all steps promptly without any delay, remissness or laches in taking any of the steps. The same view was echoed by the undersigned in Utkarsh Sharma v. Union of India and by another Single Judge in Parvesh Kumar v. University of Delhi. Reference may also be made to Deep Gupta v. Guru Gobind Singh Indrapastha University observing that the object of the rule allowing candidates whose results in the qualifying examination are

¹ Sachin Katyal I (supra).

not declared by the time their turn for counselling arrives, to furnish their result of the qualifying examination is to save them from being deprived of admission to the concerned course for reasons beyond their control as it is the concerned board or the examining body which has to declare the results of the qualifying examinations. Similarly in Rishabh Malhotra v. University of Delhi, LPA 610/2012 preferred where against was dismissed on 6th September, 2012, also it was observed that the students cannot be penalized for the delays in declaration of results.

26. It will thus be seen that it has been the consistent opinion of this Court that technicalities beyond the control of the student ought not to be permitted to come in the way of meritorious students. The Courts have always held that the discretion in such circumstances needs to be exercised in favour of the student.

(emphasis supplied)

28. True it is that the students have no control over the declaration of result by the Board conducting class XII examination nor they are in any way responsible for the delay in declaration of result, but at the same time it cannot be overlooked that operational difficulties might occur if at this belated stage few students are allowed to participate in the counselling without having class XII result, since different qualifying percentage in aggregate in class XII, besides qualifying percentage in some of the subjects has been prescribed by different participating Universities/Institutes for different set of programs, as noted in para 8 above.

29. Therefore, there appears to be substance in Mrs. Ahlawat's submission that apart from JEE (Mains) rank, the marks of Class-XII along with marks in individual subjects in class XII (as set by the participating University/Institutes of JAC, Delhi) are the essential part of the eligibility criterion, based on which the allotment of seat is done.

30. At the same time, the Courts have time and again insisted upon strict adherence to the time schedule of the admissions. In ***Meenakshi v. All India Institute of Medical Sciences***², a Division Bench of this Court held that there has to be a finality to admissions; and the terms and conditions of the schedule of the admission process has to be adhered to.

31. Reference can also be profitably made to a decision of a Coordinate Bench in ***Sri Satya Sai University of Technology and Medical Science Sehore v. UOI***³, in which, after considering various judicial pronouncements of the Hon'ble Supreme Court, it summarised and emphasised the importance of adherence to the timelines of the admission process, *albeit* in the context of NEET-UG, in the following terms:

“98. In view of the aforesaid authoritative pronouncements of the Hon'ble Supreme Court and of this court, the following conclusions can be summarized:—

(i) The time schedule prescribed by the NMC is sacrosanct and unimpeachable; and no violation thereto is permissible;

(ii) The time schedule needs to be strictly and religiously followed by all concerned including internal stages from the date of invitation of the application till the last activity in the concerned college;

(iii) Internal stages cannot be allowed to spillover onto the next stage and no overlapping of the stages is permissible;

(iv) No authority including NMC can dilute or tinker with the time schedule, once it is prescribed by the said authority;

(v) A strict time schedule, especially in the professional courses, ensures transparency and fairness and obliterates arbitrariness;

² 2021 SCC OnLine Del 2715.

³ 2023 SCC OnLine Del 4920.

(vi) It also applies similarly to all prospective applicants. Any dilution or modification thereto will create avoidable confusion and arbitrariness which may result in causing indifferent treatment with prospective applicants;

(vii) No mandamus can be issued to breach the time schedule once prescribed by NMC, for a particular applicant.

(viii) The decisions of central regulating authorities, normally should not be interfered with unless the same are found to be arbitrary, against the statute or shocking to the conscience of the court.”

(emphasis supplied)

32. In view of the above statement of law, no direction can be given to JAC to re-schedule or defer the counselling dates. However, an important aspect which cannot be overlooked is that students put hard labour for two to four years, or may be more, while preparing for JEE (Mains) and they should not get ousted from consideration in the counselling despite having attained good percentile and rank only on the ground that result of class XII has not been timely declared by the concerned education Board conducting such qualifying exam of class XII. Therefore, it needs to be underlined that there has to be proper coordination between the counselling bodies and all the Boards at the national and state level, conducting class XII exams. In any case, the counselling body can consider factoring in the aspect of delay in declaration of result as has been done by JoSSA, if informed by the Board(s) well in time.

33. In the present petitions as well, some of the petitioners have scored good percentile and the ranks. Some of them are even from the marginalised sections of the society. They will be deprived of participation in counselling and consequent admission to the course and institute of their

choice for reasons beyond their control, as the result of class XII is yet to be declared by NIOS.

34. Since the last date for registration is 02.06.2025, issuing any direction to the respondents to make changes in portal to enable the petitioners to register for the online counselling may not be feasible. However, taking into consideration the interest of the petitioners as well as the operational difficulties articulated on behalf of JAC, this Court deems it appropriate to issue following interim directions:

- a) Respondent/NIOS is directed to expedite the declaration of result of Class-XII, preferably on or before 17.06.2025, so that at least two days buffer is available to the petitioners and other similarly situated students/candidates, for registration of counselling with JAC on a single day window available on 19.06.2025;
- b) Respondent/JAC shall permit the petitioners to register themselves for counselling physically on 02.06.2025, with a condition that seat allotment will be made by JAC to the petitioners only if they are able to furnish the result of class XII before the declaration of seat allotment result of First Round;
- c) In case class XII result is not declared by NIOS before the opening of single day window on 19.06.2025, the Respondent/JAC shall then again permit the petitioners to register themselves on a single day window available on 19.06.2025 without insisting upon the class-XII result, either physically or making necessary changes on their online portal, with a condition that seat allotment will be made by JAC to the petitioners only if they are able to furnish the result of class XII before the declaration of seat allotment result of

Second Round;

- d) Respondent/JAC is also directed to notify other candidates similarly placed as petitioners about this order and allow them to register themselves for the counselling on a single day window available on 19.06.2025 and extend them the same benefit as mentioned in foregoing sub-para (c).

35. Mrs. Ahlawat is also request to ensure smooth processing of the petitioners' registration for JAC counselling. In case of any necessity, the learned counsels for the petitioners are at liberty to contact and follow-up the matter with Mrs. Ahlawat.

36. It is clarified that this order has been passed in the peculiar facts and circumstances of this case and shall not be treated as precedent and the directions will not create any special equities in favour of the petitioners.

37. Let counter affidavit/reply be filed within a period of two weeks. Rejoinder thereto, if any, within two weeks thereafter.

38. Renotify on 07.07.2025.

39. Order *dasti* under the signature of the Court Master.

VIKAS MAHAJAN, J

MAY 30, 2025/jg