



[2025:RJ-JP:22330]

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 6810/2025

Mahir Bishnoi S/o Vishal Bishnoi, Aged About 19 Years,
Permanent Resident Of Near Nirwan Ashram, Vpo Narainpura, Po
Sitto Gunno, Sub-District Abohar, District Fazilka, Punjab-
152116, Currently Residing At Govindam Hostel, Near Gurukripa
Hospital, Jat Colony, Jyoti Nagar, Piprali Road, Sikar- 332001.

----Petitioner

Versus

1. National Testing Agency, Through Its Director Having Its
Office At First Floor, NSIC-MDBP Building, Okhala
Industries Estate, New Delhi- 110020.
2. Organizing Chairperson, JEE (Advanced) 2025, JEE Office,
IIT Kanpur, Kanpur- 208016.

----Respondents

For Petitioner(s)	:	Mr. Deepak Bishnoi
For Respondent(s)	:	Mr. M.S. Raghav Mr. Mananjay Singh Rathore

JUSTICE ANOOP KUMAR DHAND**Order****27/05/2025**

1. The instant writ petition has been preferred with the
following prayer:

- i. By an appropriate writ, order or direction the
entire recording of Examination Hall may kindly be
called for and may kindly be examined.
- ii. By an appropriate writ, order or direction, action
of respondent in categorizing the result of
petitioner as Unfair Means (UFM) and further
debaring the petitioner for academic session 2025-
26 and 2026-27 may kindly be quashed and set
aside.
- iii. By an appropriate writ, order or directions, the
respondent may kindly be directed to declare the
result of petitioner for JEE (Main) 2025 without the



UFM categorization and allow the petitioner to participate in the JEE (Advanced) 2025 or other admission processes, as applicable, in the interest of justice.

iv. Any other writ, order or directions, which this Hon'ble Court may deem just, appropriate and expedient in the facts and circumstances of the case may kindly be passed in favour of the petitioner."

2. By way of filing this writ petition, a challenge has been led to the result declared by the respondents, by which the result of the petitioner has been withheld for allegedly using unfair means and the petitioner has been deprived from academic sessions 2025-26 and 2026-27. A further prayer has been made for issuing directions to the respondents to declare the result of the petitioner of JEE (Main), 2025 and allow him to participate in JEE (Advance), 2025.

3. Learned counsel for the petitioner submits that the petitioner appeared in JEE (Main), 2025 Examination conducted by the respondents and when the result of other students was declared, the result of the petitioner was withheld on the ground that he was using unfair means and accordingly, a decision has been taken for debarring him to appear in the examination for next academic sessions 2025-26 and 2026-27. Counsel submits that the aforesaid exercise was done by the respondents simply on the basis of some CCTV footage and the respondents themselves are not clear about the evidence furnished by the authority and an ex-parte decision has been taken without even issuing any notice or providing any opportunity of hearing to the petitioner and straightaway the order has been passed against the petitioner. Counsel submits that the Principle of Natural Justice requires that



before taking any adverse decision against a person, at least, an opportunity of hearing is required to be given to him. Counsel submits that such an action on the part of the respondents would create stigma on the educational career of the petitioner and the petitioner would not be in a position to study further and get employment in future, hence, under these circumstances, interference of this Court is warranted.

4. Per contra, learned counsel for the respondents opposed the arguments raised by the counsel for the petitioner and submitted that the petitioner was found using unfair means and was looking into the answer-sheet of a fellow candidate sitting right adjacent to the petitioner. Counsel submits that the entire activities of the petitioner while sitting in the examination center in a room, were captured by the CCTV camera fixed in the room/premises. Counsel submits that even when the answer-sheet of the petitioner as well as the fellow candidate were checked, the answers were found to be verbatim same and there was no difference in answers submitted by both the candidates. Counsel submits that on the basis of the aforesaid evidence, it was found that the petitioner has used unfair means, that is why, a decision has been taken to debar him to appear in the examination for next academic sessions 2025-26 and 2026-27, hence, under these circumstances, interference of this Court is not warranted and the instant writ petition is liable to be rejected.

5. Heard and considered the submissions made at Bar and perused the material available on the record.

6. Perusal of the record indicates that the petitioner appeared in JEE (Main), 2025 Examination and when the results of other



students were declared, the result of the petitioner was withheld on the ground that he was using unfair means in the aforesaid examination. This fact is not in dispute that before coming to the said conclusion, the respondents have not afforded any opportunity of hearing to the petitioner and straightaway the order impugned has been passed.

7. The aforesaid action of the respondents has resulted in utter violation of principle of natural justice - "*audi alteram partem*" which means "let the other party be heard", before taking adverse action or before passing any adverse order against a person, it is a bounden duty of the authority concerned to afford an opportunity of hearing to him. The penalty inflicted upon the petitioner would certainly spoil his career and will carry stigma with him for all times to come and will create an impediment, whenever he would come ahead to get public employment.

8. It is settled proposition of law that whenever any stigmatic order is passed against a person, which causes stigma on his career in future, it is bounden duty of the authority concerned to provide him opportunity of hearing, before passing such order.

9. In the instant case, aforesaid exercise has not been done by the respondents.

10. Considering the above factual aspect of the matter, the action taken by the respondents cannot be approved by this Court. This Court deems it just and proper to direct the respondents to take a fresh decision after affording due opportunity of hearing to the petitioner and pass appropriate reasoned and speaking order, after hearing the side of the petitioner.



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11. The petitioner may appear before the authorities concerned within a period of one week from today. Thereafter, the respondents would pass fresh orders within a period of two weeks thereafter.

12. With the aforesaid observations/directions, the instant writ petition stands disposed of. The stay application and all pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

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