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

+ W.P.(C) 9503/2026

DAKSH SINGHAL THROUGH HIS FATHER AND NATURAL
GUARDIAN, SH. KAILASH CHANDRA MEENAPetitioner

Through: Mr Raghav Nagar, Adv
versus

UNION OF INDIA AND ORSRespondents

Through: Mr Dhananjai Rana CGSC for R1
Ms. Manisha Singh, ASC for R2
Mr Arjun Mitra, Sr. Adv. with Ms. Jayanti Jha, Advs.
for R3-4

165

+ W.P.(C) 9556/2026

PARAS BATRAPetitioner

Through: Mr. Manoj Kumar Sahu, Mr. Manu
Loona, Ms. Aayushee Priya, Advs.
versus

JOINT SEAT ALLOCATION AUTHORITY JOSAA 2026

THROUGH ITS CHAIRMAN & ORS.Respondents

Through: Mr Arjun Mitra, Sr. Adv. with Ms.
Jayanti Jha, Advs. for R1-2
Mr. Aamir Zaffar Khan, Mr. Surya Joshi, Advs. for
R4
Ms. Saroj Bidawat SPC with Mr Ankush Kapoor
GP, Advs. for R5

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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17.07.2026

CM APPL. 44166/2026 in W.P.(C) 9503/2026 & CM APPL. 44525/2026

in W.P.(C) 9556/2026

Exemptions granted, subject to all just exceptions.

The applications are disposed of.

W.P.(C) 9503/2026

1. This is a writ petition filed under Article 226 of the Constitution of



India seeking the following prayers:-

“a) Issue an appropriate writ, order or direction, in the nature of mandamus and/or certiorari, quashing/setting aside the Seat Cancellation Letter dated 26.06.2026 issued by Respondent No. 3, to the extent it forecloses the Petitioner’s candidature for consideration in subsequent rounds of JoSAA counselling, 2026;

b) Issue an appropriate writ, order or direction, in the nature of mandamus and/or certiorari directing Respondent Nos. 2 to 5 to suitably extend/relax, qua the Petitioner, the cut-off of 17:00 hrs on 15.07.2026 prescribed under JoSAA Business Rule 72(B), to a period of forty five (45) days or such other reasonable period as this Hon’ble Court may deem fit from the date of declaration of the Petitioner’s result in the CBSE Class XII Mathematics Supplementary/Compartment Examination, 2026 (scheduled on 28.07.2026), and to accept the Petitioner’s cleared/revised marksheet, if furnished within such extended period, for the purposes of Rule 72(B);

c) Issue an appropriate writ, order or direction, in the nature of mandamus, directing Respondent Nos. 3, 4 and 5 to create and keep reserved a supernumerary seat for the Petitioner in B.Tech (Mechanical Engineering) at IIT Delhi (being the programme and Institute earlier and provisionally allotted to the Petitioner vide the Initial Seat Allotment dated 13.06.2026), pending declaration of the Petitioner’s result in the said Compartment Examination, and to grant admission to the Petitioner therein



forthwith upon his furnishing proof of having cleared the said Examination and satisfied the minimum eligibility criteria (65% aggregate/top-20-percentile) applicable to his category;

d) Issue an appropriate writ, order or direction, in the nature of mandamus, directing Respondent No. 2 to fast-track the evaluation and declaration of the Petitioner's result in the Class XII Mathematics Supplementary/Compartment Examination, 2026, and, in any event, to declare the same at the earliest possible date so as to enable compliance with the time lines of Respondent Nos. 3, 4 and 5;

e) Issue an appropriate writ, order or direction, in the nature of mandamus, directing Respondent No. 1, Respondent No. 2, on the one hand, and Respondent Nos. 3 and 4, on the other, to henceforth coordinate and align their respective examination and admission timelines/schedules, so as to avoid recurrence of such conflict and consequent prejudice to similarly placed candidates in future academic sessions;

f) Award costs of the present proceedings in favour of the Petitioner. ...”

2. This writ petition seeks, amongst other reliefs, quashing of Seat Cancellation Letter dated 26.06.2026 issued by respondent No. 3 to the extent it forecloses petitioner's candidature.

3. The case of the petitioner is that the petitioner is a student belonging to Scheduled Tribe (“ST”) category, who duly qualified the JEE (Advance) 2026 Examination and secured an ST category rank of 144 (All India Rank 19382). Pursuant to Round 1 of the Joint Seat Allocation Authority



(“JoSAA”) counselling process, the petitioner was provisionally allotted a seat in the B.Tech. (Mechanical Engineering) programme at IIT Delhi

4. The petitioner, however, secured only 64.2% marks in Mathematics in his Class XIIth Board Examination against minimum eligibility of 65% applicable to the ST category. Hence, the petitioner’s seat was cancelled *vide* Seat Cancellation letter dated 26.06.2026. Hence the present petition.

5. For the said reasons, issue notice.

6. Mr. Rana, learned CGSC accepts notice on behalf of the respondent No. 1, Ms. Singh, learned ASC accepts notice on behalf of the respondent No. 2 and Ms. Jha, learned counsel accepts notice on behalf of the respondent Nos. 3 and 4.

7. Reply shall be filed before the next date of hearing.

8. Issue notice to respondent No. 5 through all modes including electronic on the petitioner taking steps within one week from today, returnable on 21.08.2026.

W.P.(C) 9556/2026

9. This is a writ petition filed under Articles 226 and 227 of the Constitution of India seeking the following prayers:-

“(a) Quash and set aside the Seat Cancellation Letter dated 28.06.2026;

(b) Direct the Respondents No. 1 & 2 to accept the Petitioner’s revised Class XII passing certificate within a reasonable time of the declaration of the result of the CBSE Improvement Examination 2026 (scheduled on 28.07.2026), notwithstanding the deadline of 15.07.2026 and the conclusion of the counselling rounds of JoSAA/CSAB 2026, and notwithstanding



*anything contained in Clause 72(A) of the Business Rules;
(c) Direct the Respondents No. 1, 2 & 4, upon the Petitioner attaining 65% aggregate, to restore to him the self-same seat — B.Arch. (5 Years) at the School of Planning & Architecture, New Delhi, Open (PwD) — by creating a supernumerary seat in terms of Clause 72(B), and to permit him to join the Academic Year 2026-27; and in the interregnum to keep one such seat reserved and/or permit him to provisionally attend classes, so that this Petition is not rendered infructuous. ...”*

10. The case of the petitioner is that he is a student with Benchmark Disability (Specific Learning Disability of more than 40%), holding a valid permanent UDID Card, who participated in the JoSAA 2026 Round-1 counselling process for admission to the Bachelor of Architecture (5-year) programme at the School of Planning & Architecture, New Delhi, and was allotted a seat in the B.Arch. programme against CRL-PwD (Persons with disabilities) Rank 20.

11. The petitioner’s seat has been cancelled *vide* Seat Cancellation Letter dated 28.06.2026 on the ground that his Class XIIth Central Board of Secondary Education (“**CBSE**”) aggregate stands at 64.8% against the relaxed threshold of 65% prescribed for PwD candidates. Hence the present petition.

12. For said reasons, issue notice.

13. Ms. Jha, learned counsel accepts notice on behalf of the respondent Nos. 1 and 2, Mr. Khan, learned counsel accepts notice on behalf of the respondent No. 4 and Ms. Bidawat, learned SPC accept notice on behalf of the respondent No. 5.



14. Reply shall be filed before the next date of hearing.

15. Issue notice to respondent No. 3 through all modes including electronic on the petitioner taking steps within one week from today, returnable on 21.08.2026.

CM APPL. 44167/2026 in W.P.(C) 9503/2026 and CM APPL. 44524/2026in W.P.(C) 9556/2026

16. These are applications filed under Section 151 of the CPC, 1908 seeking interim orders.

17. For the reasons stated in the application, issue notice.

18. In CM APPL. 44167/2026 in W.P.(C) 9503/2026, Mr. Rana, learned CGSC accepts notice on behalf of the respondent No. 1, Ms. Singh, learned ASC accepts notice on behalf of the respondent No. 2 and Ms. Jha, learned counsel accepts notice on behalf of the respondent Nos. 3 and 4. Reply shall be filed before the next date of hearing.

19. In CM APPL. 44524/2026 in W.P.(C) 9556/2026, Ms. Jha, learned counsel accepts notice on behalf of the respondent Nos. 1 and 2, Mr. Khan, learned counsel accept notice on behalf of the respondent No. 4 and Ms. Bidawat, learned SPC accept notice on behalf of the respondent No. 5. Reply shall be filed before the next date of hearing.

20. In CM APPL. 44167/2026 in W.P.(C) 9503/2026, issue notice to respondent No. 5 through all modes including electronic on the petitioner taking steps within one week from today.

21. In CM APPL. 44524/2026in W.P.(C) 9556/2026, issue notice to respondent No. 3 through all modes including electronic on the petitioner taking steps within one week from today.

22. Mr. Mitra, learned senior counsel for respondent Nos. 3 and 4 in



W.P.(C) 9503/2026, on instructions states that the seat allocation has already concluded on 16.07.2026 and therefore, all seat have been allocated through JoSAA. He further states that most of the boards conclude their re-evaluation/re-testing after the seat allocation of the respondent institutions and hence, the respondent institutions do not await the outcome of re-evaluation/re-testing prior to the seat allocation and the IIT academic calendar starts in the last week of July. He further relies on the judgment of the Hon'ble Division Bench of this Court passed in **Pallavi Sharma v. College of Vocational Studies & Anr., 2015 SCC OnLine Del 10249**, and more particularly on paragraph No. 14, which reads as under:-

“14. At any rate, the law is well settled that the procedure prescribed in the Prospectus/Bulletin of Information issued by the institutions is binding and no mandamus can be issued directing the educational institutions to act contrary to their own procedure (vide Maharshi Dayanand University v. Surjit Kaur; JT (2010) 7 SC 179).”

23. He states that in the present case, none of the conditions stipulated in the brochure have been challenged by the petitioners, and without challenging the same, the petitioners cannot seek any variation of the terms to their benefits and hence no mandamus can be issued directing the respondent institutions to do anything contrary to the terms and conditions of the brochure. He submits that hence, the timelines fixed by the respondents are sacrosanct.

24. Mr. Mitra, learned senior counsel, also relies on the judgment of the Hon'ble Supreme Court passed in **Regional Officer, CBSE v. Ku. Sheena Peethambaran and Ors. (2003) 7 SCC 719** and more particularly on



paragraph Nos. 6 and 7 which read as under:-

“6. This Court has on several occasions earlier deprecated the practice of permitting the students to pursue their studies and to appear in the examination under the interim orders passed in the petitions. In most of such cases it is ultimately pleaded that since the course was over or the result had been declared, the matter deserves to be considered sympathetically. It results in very awkward and difficult situations. Rules stare straight into the face of the plea of sympathy and concessions, against the legal provisions. A few decisions on the point may be perused. In C.B.S.E. v. P. Sunil Kumar [(1998) 5 SCC 377] the institutions whose students were permitted to undertake the examination of the Central Board of Secondary Education were not affiliated to the Board, hence the students were not entitled to appear in the examination. They were, however, allowed to appear in the examination under the interim orders granted by the Court in contravention of the rules and regulations of the Board. The High Court considering the matter sympathetically had not interfered, but this Court observed thus: (SCC p. 381, para 4) “But to permit students of an unaffiliated institution to appear at the examination conducted by the Board under orders of the Court and then to compel the Board to issue certificates in favour of those who have undertaken examination would tantamount to subversion of law and this Court will not be justified to



sustain the orders issued by the High Court on misplaced sympathy in favour of the students.”

*The order of the High Court was set aside. Another decision reported in *Guru Nanak Dev University v. Parminder Kr. Bansal* [(1993) 4 SCC 401] , a three-Judge Bench decision, was relied upon in the case of *Sunil Kumar* [(1998) 5 SCC 377] . A passage from the abovenoted decision was also quoted therein which reads as follows: (SCC p. 403, para 7)*

“We are afraid that this kind of administration of interlocutory remedies, more guided by sympathy quite often wholly misplaced, does no service to anyone. From the series of orders that keep coming before us in academic matters, we find that loose, ill-conceived sympathy masquerades as interlocutory justice exposing judicial discretion to the criticism of degenerating into private benevolence. This is subversive of academic discipline, or whatever is left of it, leading to serious impasse in academic life. Admissions cannot be ordered without regard to the eligibility of the candidates. Decisions on matters relevant to be taken into account at the interlocutory stage cannot be deferred or decided later when serious complications might ensue from the interim order itself. In the present case, the High Court was apparently moved by sympathy for the candidates than by an accurate assessment of even the prima facie legal position. Such orders cannot be allowed to stand. The courts should not embarrass academic authorities by themselves taking over their functions.”



Yet another decision referred to is reported in A.P. Christians Medical Educational Society v. Govt. of A.P. [(1986) 2 SCC 667] , again a three-Judge Bench decision. It was observed in this case: (SCC p. 678, para 10)

“We cannot by our fiat direct the University to disobey the statute to which it owes its existence and the regulations made by the University itself. We cannot imagine anything more destructive of the rule of law than a direction by the court to disobey the laws.”

The above-referred matter relates to the admission and examination of MBBS courses.

7. In the background of the law as laid down by this Court, we find that in the case in hand the fact situation was even worse as compared to the decision cited above. The student, namely, Respondent 1 had failed to clear her Class IX examination which was a necessary requirement as provided under the bye-laws of the Board so as to be entitled to appear in Class X examination conducted by the Board. Despite notice, no one has put in appearance on behalf of Respondents 1 and 2 to indicate any fact or circumstance so as to take any different view. Condoning the lapses or overlooking the legal requirements in consideration of mere sympathy factor does not solve the problem, rather breeds more violations in the hope of being condoned. It disturbs the discipline of the system and ultimately, adversely affects the academic standards.”

25. I have heard learned counsels for the parties.



26. In the present case, the Rule 72A and 72B of the JoSAA 2026 Business Rules, reads as under:-

“72. It is possible that the Class XII passing status of a candidate is revised [due to re-totaling, re-evaluation, etc.] by the Class XII examination board AFTER the choice locking step of joint seat allocation. The following business rules apply consequent to such a revision of passing status only during the seat allocation/ allotment:

(A) Due to revision of passing status, if a candidate becomes ineligible because of not satisfying the “Performance in Class XII (or equivalent) examination” requirement [Annexure 2(a) for IITs/IISc and Annexure 2(b) for NIT+ System], then the candidate will be made ineligible at the time of seat acceptance / document verification, or even at a later stage. Offered / confirmed seat of such candidates shall accordingly stand cancelled.

(B) Due to revision of passing status, if a candidate now satisfies the “Performance in Class XII (or equivalent) examination” requirement [Annexure 2(a) for IITs/IISc and Annexure 2(b) for NIT+ System] and becomes eligible for admission, then such a candidate has to approach the organizing institute (IIT Roorkee) by sending an email to josaa@iitr.ac.in with the revised passing certificate by July 15, 2026 17:00 hrs. The candidate will be considered for seat allocation only in subsequent rounds (if any), provided the candidate had registered and has filled choices in the JoSAA



portal before the respective deadline, even though not eligible at the time. The allocated seat (if any) shall be the same as what the candidate would have got on the basis of the revised passing status to begin with. To ensure this, a supernumerary seat will be created, if needed.”

27. Pursuant to the said rules, both the petitioners applied for compartment/improvement exams in Mathematics and the said exam is now scheduled to be conducted by the CBSE on 28.07.2026. However, before conducting the improvement/compartment examinations, the respondent institutions have already conducted their final counselling rounds and have excluded the petitioners from the same.

28. If that be so, I am of the view that Rule 72B of the JoSAA 2026 Business Rules becomes illusory and moonshine without any meaningful interpretation.

29. Once the respondent institutions have themselves provided children including children with special categories (PwD, SC, ST) to improve their score to become eligible, it must be done in a meaningful manner. If the date of 15.07.2026, 17:00 hrs as fixed by the respondent is treated as sacrosanct, all children appearing for CBSE compartment/improvement exams which is scheduled to be held on 28.07.2026 will automatically miss the deadline of 15.07.2026 and on that account will be declared ineligible.

30. The petitioners in the present case are meritorious students, having obtained seats with their hardwork and efforts at IIT-Delhi and School of Planning and Architecture, Delhi. Merely because the CBSE is holding the compartment/improvement exams on a later date or the respondent institution in their wisdom have fixed the date of final counselling as 15.07.2026



(without noting the date of compartment/improvement by CBSE), the same cannot operate to the prejudice of the petitioners.

31. It is common knowledge that children study for hours and months to get admissions in prestigious institutions and their efforts cannot be ignored merely because CBSE and respondent institutions are not in sync with each other.

32. For the said reasons, the petitioners have established a prima facie case and the balance of convenience lies in their favour.

33. The judgment of the Hon'ble Division Bench of this Court in **Pallavi Sharma (supra)** relied upon by Mr. Mitra, learned senior counsel, is distinguishable on facts. In the said case, the Court reiterated the settled principle that the terms of the Prospectus/Admission Brochure are binding and that no mandamus can ordinarily be issued directing an educational institution to act contrary to the prescribed procedure. In the present case, however, the petitioners are not seeking any direction contrary to the JoSAA Business Rules or seeking relaxation of any condition contained therein. Rather, the petitioners seek a meaningful implementation of Rule 72(B) of the JoSAA 2026 Business Rules, which itself forms part of the Business Rules and expressly envisages consideration of candidates upon revision of their Class XII passing status.

34. Similarly the judgment of Hon'ble Supreme Court in **Ku. Sheena Peethambaran Sharma (supra)** relied upon by Mr. Mitra, learned senior counsel, is also not applicable in the present case. In that case, the candidate had failed to satisfy the essential eligibility criteria prescribed under the CBSE Bye-laws and the Court was called upon to overlook the statutory requirements on sympathetic considerations. The Hon'ble Supreme Court



declined such relief, holding that no direction could be issued contrary to the governing Rules. However, in the present case, the petitioners are neither seeking any relaxation of the eligibility criteria nor any direction contrary to the Rules. On the contrary, the petitioners seek implementation of Rule 72(B) of the JoSAA 2026 Business Rules, which expressly contemplates consideration of candidates upon revision of their Class XII passing status and provides for creation of a supernumerary seat. The controversy, therefore, is confined to giving a meaningful interpretation to Rule 72(B) of the JoSAA 2026 Business Rules and not to granting admission dehors the Rules.

35. A closer scrutiny of the Rule 72B of the JoSAA 2026 Business Rules shows that if the petitioners are successful in clearing the compartment/improvement exam, this Court can create a supernumerary seat in the same stream in which the petitioner was originally allotted the seat. Hence, the anxiety of the petitioners is well addressed and in case the petitioners are successful, the petitioners will be so allotted a supernumerary seat by this Court.

36. List on 21.08.2026.

37. In case, the results are declared earlier, the petitioners will be at liberty to move an application seeking early hearing of the main petitions.

38. *Dasti under signature of the Court Master.*

JASMEET SINGH, J

JULY 17, 2026/AS