

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No 6983 of 2021
(Arising out of SLP(C) No 18995 of 2021)

Prince Jaibir Singh

.... Appellant(s)

Versus

Union of India & Ors

....Respondent(s)

ORDER

1 Leave granted.

2 The appellant appeared for the JEE (Main) Examination in May 2021 and, having qualified, he appeared on 3 October 2021 for the IIT-JEE (Advanced) 2021 entrance test. The appellant secured an All-India Rank of 25894 and, within students belonging to the Scheduled Castes, he secured an All-India Rank of 864. On 15 October 2021, the first respondent issued a brochure called the Business Rules for Joint Seat Allocation for Academic Programmes offered by IITs/NITs/IIEST/IIITs and other engineering institutions for 2021-22. Rule XVIII of Clause 40 laid down the procedure for offers of seat and confirmation.

3 On 27 October 2021, the appellant was allocated a seat in the four years B.Tech Degree Course in Civil Engineering at IIT Bombay. The portal of the Joint Seat Allocation Authority (JoSAA) was activated for online reporting for the first round till 31 October 2021. The process of online reporting included fee payment, document upload, response by the candidates to queries and other features. On 29 October 2021, the appellant logged into the site of the second respondent to

access the JoSAA portal and uploaded the required documents. Unfortunately, the acceptance fee could not be paid on 29 October 2021. The appellant states that he was short of funds and had to borrow money from his sister. The appellant states that on 30 October 2021, having made arrangements for funds from his sister, he made about ten to twelve attempts to complete the payment of fees, but his attempts were not successful due to a technical error in the server. On 31 October 2021, the appellant made an attempt to complete the payment from a cyber cafe, where the same set of errors appeared. He is stated to have made calls to the second respondent and followed it up with emails between 31 October 2021 and 1 November 2021. Based in Uttar Pradesh, the appellant borrowed money to arrange for travel to the office of the second respondent in Kharagpur, where the officials expressed their inability to assist him. The Division Bench of the High Court of Judicature at Bombay was moved in a proceeding under Article 226 of the Constitution of India, seeking a writ permitting the appellant to pay the acceptance fee and to facilitate his admission to IIT Bombay. Following an unsuccessful pursuit of his legal rights in the High Court, the appellant has moved this Court under Article 136 of the Constitution.

- 4 This Court has, before it, a young Dalit student who is on the verge of losing a valuable seat, which has been allocated to him at IIT Bombay. The travails of the appellant have taken him from Allahabad, where he is presently studying, to Kharagpur and, eventually, to Mumbai and ultimately to the National Capital.
- 5 Having regard to the facts of the case noted above, it would be a grave travesty of justice if a young Dalit student, who had to move this Court, is turned away without considering the difficulties he has encountered in acquiring the funds and to pay the fee for admission for the B.Tech Degree Course at IIT-Bombay and, thereafter, in ensuring that the payment is processed online. If the

petitioner were not to be admitted during the current academic year, he will be ineligible to appear after two consecutive attempts. Though technology is a great enabler, there is at the same time, a digital divide. Hence, we are of the view that this is a fit and proper case where the exercise of the jurisdiction under Article 142 of the Constitution is warranted at the interim stage in the facts as they appear before the Court.

- 6 We accordingly direct the first and second respondents to ensure the appellant is admitted to IIT-Bombay pursuant to the allocation of the seat to him. This shall not entail disturbing any other student who has already been admitted. The creation of a supernumerary seat, in the facts of the present case, shall be subject to the admission of the appellant being regularized in the event that any seat falls vacant as a result of exigencies which may arise in the course of the admissions process. Otherwise, the continued studies of the appellant for the B.Tech Degree Course in Civil Engineering shall be against the supernumerary seat. The parties shall act on a certified copy of this order and implement these directions on or before 24 November 2021.
- 7 There shall be an interim order in the above terms pending the disposal of the appeal.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[A S Bopanna]

**New Delhi;
November 22, 2021
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ITEM NO.35 Court 4 (Video Conferencing) SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).18995/2021

(Arising out of impugned final judgment and order dated 12-11-2021 in WPL No. 26135/2021 passed by the High Court of Judicature at Bombay)

PRINCE JAIBIR SINGH Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(FOR ADMISSION and I.R. and IA No.148357/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 22-11-2021 This petition was called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Amol Chitale, Adv.
Mrs. Pragya Baghel, AOR

For Respondent(s) Mr Sonal Jain, AOR
Mr Arjun Mitra, Adv.
Mr Ishkaran Singh, Adv.
Ms Kajal Sharma, Adv.
Ms. Riya Dhingra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

- 1 Leave granted.
- 2 There shall be an interim order in terms of the signed order. The parties shall act on a certified copy of this order and implement the directions on or before 24 November 2021 in terms of the signed order.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)