

(2025) 05 DEL CK 0986

In the Delhi High Court

Case No : Letters Patent Appeal No. 392 Of 2025

Ms Sadhana Yadav

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 31-05-2025

Acts Referred:

Constitution of India, 1950 — Article 14
Delhi High Court Act, 1966 — Section 10

Citation : (2025) 05 DEL CK 0986

Hon'ble Judges : Prathiba M. Singh, J; Rajneesh Kumar Gupta, J

Bench : Division Bench

Advocate : Vinayak Goel, Alexander Mathai Paikaday, Sanjay Khanna, Pragya Bhushan, Tarandeep Singh, Vilakshana Dayma

Final Decision : Dismissed

Judgement

Prathiba M. Singh, J.

1. This hearing has been done through hybrid mode.

CM APPL. 36468/2025 & CM APPL. 36471/2025 (for exemption)

2. Allowed, subject to all just exceptions. Applications are disposed of.

LPA 392/2025, CM APPL. 36469/2025 (for interim order) & CM APPL. 36470/2025 (to put additional documents on record)

3. The present Appeal has been filed by the Appellant – Sadhana Yadav under Clause 10 of the Letters Patent read with Section 10 of the Delhi High Court Act, 1966 against the judgment dated 28th May, 2025 (hereinafter, 'the impugned judgment') passed by the Id. Single Judge of this Court in W.P.(C) 6854/2025 titled Ms. Sadhana Yadav v. Union of India & Ors.

4. The present is a rather unfortunate case, where the Appellant was unable to give the Common University Entrance Test (UG) Exam (hereinafter, 'CUET') being conducted by the National Testing Agency (hereinafter, 'NTA') as she reached the

examination centre beyond the gate closing timings, as prescribed in the admit card.

5. A brief background of the case is that the Appellant, aged 18 years, cleared her CBSE class 12th examination from Guru Harkrishan Public School in Delhi. The online applications for CUET, UG, 2025, were announced on 1st March, 2025. The said CUET examination is a Computer Based Test and forms the basis for admissions to a large number of Central Universities, State Universities, Private and Deemed Universities. It is the case of the Appellant that she chose the following five subjects for which she had to appear in the CUET :

- (i) English (Language);
- (ii) Economics/Business Economics (Domain);
- (iii) Geography/ Geology (Domain);
- (iv) Political Science (Domain) ;
- (v) General Aptitude Test .

6. The Appellant was issued an admit card for the exams to be held between 13th May, 2025 to 16th May, 2025. The admit card gave clear instructions to the students on various aspects, including the reporting/entry timings. The Appellant was allotted an exam centre at Shakti Nagar bearing the address: RK Digital Computer Centre 2, Gate No. 2, Shakti Nagar. The details of the admit card issued to the Appellant are relevant and are extracted below:

Test Details

Question Paper Medium

English

Sl.

No.

Subject Code & Name

Date & Shift

Timing

Reporting

/ Entry Time at Centre

Gate Closing Time

of Centre

Name and Address of Test Centre

1

101 – English

(Language),

323 – Political

Science

(Domain),

501 – General

Aptitude Test

13.05.2025/

First

09.00 A.M.

to 12.00

Noon

07.00

A.M.

(IST)

08.30

A.M.

(IST)

Sharp

R K Digital

Computer Centre 2,

Gate No.2, Shakti

Nagar,

Adjacent to

Lilawati Vidya

Mandir School,

New Delhi, Delhi.

India, 110007

The relevant portion of the above mentioned instructions are reproduced herein below for ready reference.

"1. The candidate must reach the Centre at the time as indicated on the Admit Card against Reporting/Entry time at the Centre.

4. No candidate shall be permitted to enter the Exam Centre after the Gate Closing Time"

7. The time slot for the first examination of the Appellant- covering three subjects viz., English, Political Science and General Aptitude, was on 13th May, 2025 between 9:00 A.M. to 12:00 Noon. The reporting time for the examination was 07:00 AM and the gate closing time of the centre was 08:30 A.M. IST sharp.

8. The Appellant reached the examination centre late at about 08:36 A.M. and the gates had already been closed. The invigilators/ supervision personnel thus, did not allow the Appellant to enter the examination centre. She, therefore, unfortunately missed the three exams scheduled for the said date i.e. 13th May, 2025.

9. A writ petition was thereafter filed by the Appellant before the Id. Single Judge, being W.P.(C) 6854/2025 seeking the following reliefs:

"A. Issue a Writ of mandamus directing the Respondents to provide the Petitioner another slot for appearing in the CUET (UG) in the current 2025 academic year; and OR

Issue a Writ of mandamus directing the Respondents to conduct a re-test for the Petitioner and other like students candidates;

and

B. Issue a Writ, Order or Direction declaring Rules 7.5 and 8.9 of the Information Bulletin, 2025 as ultra vires the Constitution or other invalid in law"

10. The Id. Single Judge called for a counter affidavit of the NTA, being Respondent No. 2 in the said writ petition, and after a detailed consideration of the same, held that the petition did not deserve to be allowed. Hence, the same was dismissed by the Id. Single Judge. The observations of the Id. Single Judge, on facts, are set out below :

"14. Having heard learned counsel for the parties, the short questions which arise for consideration is whether the petitioner could have been allowed to enter the examination hall after the Gate Closing Time closed and whether she could be accommodated in another slot as urged by the learned counsel for the petitioner.

15. For exploring the answer to above questions, reference to the following Clauses 6.2 and 6.3 of Chapter-6 entitled 'Admit Card' in the information bulletin is imperative, which reads as under:

6.2 The candidate has to download the Admit Card from the NTA website. The candidate will appear in the examination at the given Centre on the date and shift/timing as indicated in his/her Admit Card. 6.3 No candidate will be allowed

to appear at the examination Centre, on the date and shift/time other than that allotted to him/her in his/her Admit Card.

(emphasis supplied)

16. Similarly, Clauses 7.1 to 7.5 under Chapter-7 'Schedule of Examination', as provided in the information bulletin, are also relevant, which reads as under:

7.1 The examination may be held on multiple shifts, depending on the number of candidates and their combinations.

7.2 The duration of the each paper will be of 60 minutes.

7.3 Though the tests are scheduled in multiple shifts, as the case may be, each test within each shift is distinct and independent of the other.

7.4 However, the allotment of candidates to the Shift will be based on the options exercised and technical and administrative considerations.

7.5 Admit Cards will be issued for the course(s) opted by him/her. No request for a change of date or /shift will be entertained.

7.6 Candidates have to report for the slot/s as per the time stated in their respective Admit Cards." (emphasis supplied)

17. Likewise, Clauses 8.1 and 8.2 under Chapter-8 'Important Instructions for the Candidates' read thus:

8.1 Candidates are advised to report at the Examination Centre well in time i.e. 02 hours before the commencement of the examination.

8.2 Candidates should take their seats immediately after the opening of the Examination Hall. If the candidates do not report in time due to any reason i.e. traffic jam, train/bus delay, etc, they are likely to miss some of the important instructions to be announced in the Examination Rooms/Halls. The NTA shall not be responsible for any delay.

(emphasis supplied)

18. As per Clause 6.2 the candidate has to appear in the examination at the given Centre on the date and timing as indicated in his/her Admit Card. Clause 6.3 provides that the candidate will not be allowed to appear at the examination Centre, on the date and time other than that allotted to him/her in his/her Admit Card. Clause 7.6 also reiterates that candidates have to report for the slot/s as per the time stated in their respective admit cards. In view of the clauses 6.2, 6.3 and 7.6 of information bulletin, the time and instructions mentioned in the admit card assumes relevance and will be read as part and parcel of the information bulletin.

19. The admit card which was issued to the petitioner clearly indicates that the reporting time for the candidate is 7 am whereas the Gate closing time has also

been stated as 8.30 am sharp. Besides that, the important instructions for candidates on the Admit Card in unambiguous terms provide that candidate must reach the Centre at the time indicated on the admit card and further cautions that no candidate shall be permitted to enter the examination hall after the Gate Closing Time.

20. In that view of the matter, the petitioner is bound by the time indicated in the admit card and the instructions mentioned therein. Therefore, contention of the petitioner that the information bulletin, more particularly Clause 8.2 thereof, does not specifically mention that the candidate will not be permitted to enter the examination hall after the Gate Closing Time, is misconceived. In fact, Clause 8.1 of the information bulletin also lays emphasis that the candidates should report at the Examination Centre well in time i.e. 02 hours before the commencement of the examination. Likewise, Clause 8.2 advises the candidates to take their seats immediately after the opening of the Examination Hall.

21. As regards petitioner's reliance on the information bulletins of NEET (UG)-2025 and Common Management Admission Test 2023, to be noted that since on a conjoint reading of information bulletin and the admit card, there is no ambiguity that a candidate cannot be permitted to enter the examination hall after the Gate Closing Time, therefore, no assistance from the aforesaid external sources¹, for the purpose of interpretation of the clauses of information bulletin for CUET (UG) – 2025, is called for.

22. In so far as contention of the petitioner that she should be adjusted against another slot, is concerned, suffice it to note that in view of clauses 7.4 and 7.5 of the information bulletin, the allotment of candidates to the Shift is based on the options exercised as well as on technical and administrative considerations, and no request for a change of date or shift can be entertained.

23. At this juncture, reference to para 15 of the counter affidavit can also be made, wherein the respondent no.2/NTA has given justification as to why the petitioner cannot be permitted to appear in the shifts other than the shift originally allotted to her. Para 15 reads thus:

"15. That it is further submitted that permitting selective rescheduling of candidates to let them appear in the shifts other than the shifts which were originally allotted to them but missed by the candidates would lead to an unequal distribution of candidates across different shifts, thereby affecting the normalization procedure. The fairness and accuracy of the normalization process relies on an equitable distribution of candidates across all shifts. Any deviation from this principle may compromise the integrity of the examination and its merit-based evaluation."

24. That apart, there is no provision in the Information Bulletin providing for accommodating a candidate in any other shift / slot other than the allotted shift / slot. If any relaxation is to be allowed, such relaxation must find mention in the information bulletin. The rules cannot be tweaked for one candidate owing to

some difficulties faced by such candidate, albeit for no fault of his/her. Therefore, the Court cannot direct the respondents to allow the petitioner to take her CUET (UG) – 2025 exam in any other shift / slot.

25. It is also trite that the procedure prescribed in the prospectus/bulletin of information issued by institution is binding on all concerned and no mandamus can be issued directing the educational institution to act contrary to their own procedure.”

11. The said judgment passed by the Id. Single Judge dated 28th May, 2025 is under challenge in the present Appeal. At the outset, Mr. Vinayak Goel, Id. Counsel appearing for the Appellant has handed over the copy of the impugned judgment, which has been uploaded by the Id. Single Judge. Let the same be taken on record.

12. The submissions made by the Id. Counsel on behalf of the Appellant are as follows:

i. Firstly, that there is a conflict between the admit card issued by the NTA and the information bulletin dated 1st March, 2025, published by the NTA (hereinafter, ‘the information bulletin’). Reliance is placed upon Clause 8.2 of the information bulletin, which reads as under :

“8.2 Candidates should take their seats immediately after the opening of the Examination Hall. IF the candidates do not report in time due to any reason i.e. traffic jam, train/bus delay, etc., they are likely to miss some of the important instructions to be announced in the Examination Rooms/ Halls. The NTA shall not be responsible for any delay.”

ii. The reliance upon Clause 8.2 of the information bulletin is placed by the Id. Counsel to argue that the only effect of not arriving at the examination centre on time would be that the candidate would miss out on important instructions.

iii. Secondly, it is argued that the implementation of the gate closing time is discriminatory, as in several centres, the entry gate was open for as long as 08:40 A.M. and the candidates were allowed to enter the exam centre. The discretion is exercised depending upon the strictness of the persons who were supervising the said centres. It is the case of the Appellant that since the implementation of the said gate closing timings is discriminatory, the gate closing time which is mentioned only on the admit card cannot be given any importance when balanced along the Clause 8.2 of information bulletin.

iv. Thirdly, Id. Counsel for the Appellant submits that a large number of Universities and Colleges across the country, who rely upon the CUET scores for admission, would in effect be ruled out for the Appellant, if she is not permitted to sit in the examination once again. She would be deprived of taking admission in all these Colleges and Universities in India.

13. He further submits that the only reason for not allowing the Appellant to sit

for examination in another slot is the administrative difficulty for the NTA. It is the submission of the Id. Counsel, therefore, that since the examinations are to be conducted till the 3rd June, 2025, the Appellant should be given an opportunity to sit in one of the slots fixed over the next two to three days.

14. Mr. Sanjay Khanna, Id. Standing Counsel appearing for Respondent No. 2–NTA submits as follows:

i. Clause 8.2 of the information bulletin, as already perused by this Court, is not in conflict with the admit card issued to the candidates as the said clause merely stipulates that candidates ought to take their seats immediately after opening of the examination hall. The gate of the examination centre being the entry point, and sitting in the examination hall being the next stage, these two issues are separate and distinct and a general guideline in the information bulletin cannot override the specific instructions provided in the admit card.

ii. According to the Id. Counsel, the information bulletin, in fact, has to be read with the admit card and upon such conjoint reading, it leaves no ambiguity whatsoever that the candidates had to reach on time and no entry shall be granted after the gate closing time.

15. Heard. The Court has given its anxious consideration to the matter. The Court is also extremely conscious of the fact that the non-appearance of a candidate in the entrance examinations, such as the CUET examination, can have a negative impact on the student's career.

16. However, while bearing in mind the factors addressed by the Id. Counsels for the parties, the Court cannot lose sight of the discipline that is required to be maintained in the conduct of such examinations. The conduct of examinations has a sanctity attached to it and it is common knowledge that owing to the conditions generally relating to any unforeseen circumstances including transportation, traffic etc. candidates may reach late. Therefore, the information bulletin dated 1st March, 2025, published by the NTA and the admit card issued to the candidates gave very specific instructions in clause

8.1 and 8.2 of the information bulletin read as under :

"8.1 Candidates are advised to report at the Examination Centre well in time i.e. 02 hours before the commencement of the examination.

8.2 Candidates should take their seats immediately after the opening of the Examination Hall. If the candidates do not report in time due to any reason i.e. traffic jam, train/bus delay, etc., they are likely to miss some of the important instructions to be announced in the Examination Rooms/ Halls. The NTA shall not be responsible for any delay."

17. The above stated Clauses, stipulate that candidates have to report in time i.e., two hours before the commencement of examination which in this case would be 7 am. The NTA is conscious of the fact that students could be coming

from far-off places and thus, a sufficient margin is provided by opening the gates at 7am itself i.e., two hours before the examination. Apart from the general stipulation, clause 8.2 also specifically cautions candidates that there could be traffic jams, train/bus delays etc., which may prevent them from reaching in time. Candidates are asked to take their seats when the Examination hall opens at 7am. When read with the instructions stipulated in the admit card it is clear that there is no conflict whatsoever. The opening time of the gate of the examination centre is 07:00 A.M. for an exam which is to be held at 09:00 A.M. The candidates are expected to enter the examination hall and take their seat before the examination commences. This would, however, not mean that the candidate can enter at his or her own volition and timing. The admit card is clear to the effect that the gate opening time i.e., reporting entry time at the centre is 07:00 A.M. and the gate closing time is 08:30 A.M. Between 07:00 A.M. and 08:30 A.M., whenever the candidate enters, the candidate shall be permitted to take his or her seat in the examination hall.

18. Thus, in the opinion of this Court, Clause 8.2 of the information bulletin does not appear to be in conflict with the instructions in the admit card and the argument to that effect would not be tenable.

19. The Court at first blush may be persuaded to take a sympathetic view in these kinds of matters, as the career of a young girl who is on the verge of entering higher studies could be jeopardised. However, the same would not be sufficient by itself to give directions to the NTA, which has a great responsibility of smooth and peaceful conduct of examinations for more than 13.54 lacs students, while maintaining discipline and also ensuring that the same is uniformly enforced across the country.

20. There may be hundreds of students, who may have reached the examination centres late and an exception cannot be created in favour of the Appellant. Moreover, there are only three-four days of the exams which are left now, and in such circumstances, the NTA cannot be expected to now create a separate schedule or slot for the Appellant to enable her to take the examinations in the specific subjects which she missed out on 13th May, 2025.

21. The CUET is an important entrance examination and the discipline in arriving at the examination hall in time, taking the seat in time and being at the centre before the gate closing time, are all part of the discipline and ethos of the examination ecosystem which ought not to be relaxed, inasmuch as, the same may lead to huge inequities between similarly placed students. One may actually feel that nothing would have happened had the student been given entry as she was only six minutes late. If the said decision to let her in was taken by the concerned Invigilator or Supervisor, on the spot, it would have been fine. However, the authorities cannot be blamed for enforcing the rule of gate closing timings strictly.

22. Coming to the argument made by the Appellant that there would be

discrimination as there may not be uniform implementation of the instructions in the admit card as also the information bulletin, such discrimination cannot be considered as a valid ground to interfere, inasmuch as, all students who violate the gate closing time, would be acting contrary to the instructions. Article 14 of the Constitution cannot be applied to compare persons violating the rules of the examination.

23. When students act contrary to the instructions of any given examination, such students cannot argue, inter se, discrimination in the opinion of this Court. Therefore, the Id. Single Judge's view that a lenient view cannot be taken in such matters does not warrant any interference. In the conduct of such a large-scale examination, leniency would lead to chaos and, therefore, the discipline of the examination ought to be maintained.

24. The submission that the least intrusive method shall be adopted in such cases is also misplaced, inasmuch as the NTA has already adopted the least intrusive method by giving a window of 1 ½ hours for a student to enter the examination centre. It is after the 1 ½ hours' time between 07:00 A.M. to 08:30 A.M. is over, that the gates are closed. This is the least intrusive method in ensuring that the students do not rush into the examination centre and no overcrowding is created at the entry point, and there is peace maintained, so that the students can comfortably settle down before the examination instructions begin. Thus, in the opinion of this Court, the argument of adopting the least intrusive method is also not tenable.

25. The CUET UG examination is an exam where more than 13.54 lacs students from across the country appear. If exceptions are made, and discipline is not followed in such an exam, the timely conduct of the exam, the timely announcement of results and timely admission to colleges and Universities is all likely to be jeopardised and there would be a cascading effect. In such matters, the interference by the Court should be the least.

26. The Appellant and her father are present in Court. The Court has inquired if she has also applied for other entrance examinations and the Petitioner has informed that she has applied for the Guru Gobind Singh Indraprastha University ('GGSIPU') entrance examinations, which is also to be conducted in Delhi.

27. Under these circumstances, the present appeal is dismissed. Pending application(s), if any, also stand disposed of.