

(2025) 07 BOM CK 0246

In the Bombay High Court, Aurangabad Bench

Case No : Writ Petition No. 7594 Of 2025

Palak Ravi Jaiswal

APPELLANT

Vs

Union Of India Through Its Secretary And Others

RESPONDENT

Date of Decision : 08-07-2025

Acts Referred:

Citation : (2025) 07 BOM CK 0246

Hon'ble Judges : Manish Pitale, J;Y. G. Khobragade, J

Bench : Division Bench

Advocate : Aditya N Sikchi, Rahul Kasat, Bhushan Kulkarni, Arjun Mitra, Krishna P. Rodge

Final Decision : Dismissed

Judgement

Manish Pitale, J

1. The petitioner is aggrieved by the action of respondent No. 3 - Joint Seat Allocation Authority (hereinafter referred to as 'JoSAA') dated 23.06.2025, whereby the petitioner has been held ineligible for admission to the Bachelor of Architecture (B.Arch.) Course, on the ground of not having secured minimum 75% (Seventy Five Percent) aggregate marks in class XII and also having failed to come within the top Twenty percentile of the board examination. The principal contention of the petitioner is that the aforesaid eligibility criterion was added subsequent to the process of examination and admission having commenced and as per settled law, the rules of the game could not have been changed midway through the game. According to the petitioner, she satisfies the eligibility criterion specified in the information bulletin issued by respondent No. 2 - National Testing Agency (hereinafter referred to as 'NTA') for entrance examination leading to admission to various institutions under the aegis of respondent No. 3 - JoSAA.

2. The chronology of events in brief leading filing of the present petition is that the petitioner appeared for the Higher Secondary Certificate Examination i.e. Class - XII examination conducted by the Maharashtra State Board of Secondary

and Higher Secondary Examination in February – 2025. She secured 453 marks out of 600 marks. She also appeared for Joint Entrance Examination (JEE) conducted by respondent No. 2 – NTA in January - 2025 and April – 2025. The students appearing for such examinations are permitted to choose the score of either of the attempts in the examination.

3. On the basis of the score of the petitioner in the JEE (Main) 2025 examination, she secured All India Rank 292 in paper 2A and All India Rank 565 in paper 2B in the OBC-NCL category. In May/June – 2025, respondent No. 3 – JoSAA released its business rules for seat allocation and admission to various academic programs, including admissions to various institutions for the B.Arch. Course. The petitioner participated in the counseling rounds conducted by respondent No. 3 – JoSAA .

4. In the first round itself, as per the choice given by the petitioner, she was allotted institution of her choice i.e. School of Planning and Architecture (SPA) Bhopal for academic program of B. Arch. (5 year course). This initial seat allotment was intimated on 14.06.2025 and the petitioner was asked to submit necessary documents and to pay the acceptance fees.

5. Subsequently, on 23.06.2025, respondent No. 3 – JoSAA issued the impugned communication with the remark :-

‘NOT ELIGIBLE as the candidate has neither secured a minimum of SEVENTY FIVE PERCENT aggregate marks in Class XII nor falls within the top TWENTY percentile of her respective Board.’

6. The petitioner was aggrieved by the said communication for the reason that according to her the information bulletin issued by respondent No. 2 – NTA on the basis of which the JEE examination was conducted, did not prescribe such an eligibility criterion and the business rules of respondent No. 3 – JoSAA issued subsequently in May/June – 2025, for the first time, introduced the aforesaid criterion. It was further claimed that, without prejudice to the aforesaid stand of the petitioner, she has secured more than 75% marks in Class XII board examination and therefore, she could not have been held as ineligible. It is in this backdrop that the present petition is filed seeking quashing and setting aside of the impugned communication and also a declaration of holding the petitioner eligible and a consequent direction that the petitioner be granted admission to the course and institution of her choice.

7. Since the petition was found to be extremely urgent and the subsequent rounds of counselling are being undertaken by respondent No. 3 – JoSAA, this Court took up the petition for urgent hearing and disposal . The respondents appeared through counsel and opposed the prayers made in the present petition.

8. Mr. Aditya Sikchi, learned counsel appearing for the petitioner submitted that the information bulletin issued by respondent No. 2 – NTA for conducting the JEE (Main) examination clearly stipulated the eligibility criterion for B.Arch. course as

at least 50% aggregate marks in 10+2 examination. It was submitted that the reference to requirement of candidates securing at least 75% marks in Class XII examination or being in top 20 percentile in Class XII examination was restricted to paper 1 pertaining to admission to B.E./B.Tech. courses, while B. Arch. course pertained to paper 2A. It was submitted that the eligibility criteria specified in the information bulletin constituted the rules of the game, at the point in time when the game was triggered in the form of examination being conducted by NTA. Therefore, eligibility for admission to B.Arch. course stood frozen in terms of the eligibility prescribed at Clause 5.8.1 of the information bulletin issued by respondent No. 2 – NTA.

9. It was submitted that the petitioner was even offered admission to her institution of choice on the basis of her score in the entrance examination, clearly indicating that the petitioner was treated as eligible through the process of counselling, till the stage of offering admission to the said institution. But, suddenly, the impugned communication came to be issued placing reliance on eligibility criteria specified in business rules issued by respondent No. 3 – JoSAA in May/June – 2025, much after the examination was conducted, thereby indicating that the rules of the game were sought to be altered midway through the game, which is in the teeth of the settled position of law. On this basis, it was submitted that the eligibility criterion specified in annexure 2(b) of the business rules of respondent No. 3 – JoSAA cannot be applied to the case of the petitioner as the eligibility for admission to B. Arch. was clearly specified in the information bulletin issued by respondent No. 2 – NTA in October – 2024, while calling for applications for the entrance examination. In this context, reliance was placed on judgment of the Supreme court in the case of 'Tej Prakash Pathak & Ors. Vs. Rajasthan High Court & Ors. (Judgment and Order dated 07.11.2024) passed in Civil Appeal No. 2634 of 2013.

10. It was further submitted that the requirement for admission to B.Arch. Course has been specified by the Council of Architecture established under the Architects Act, 1972. It stipulates that the candidate must have scored at least 50% aggregate marks at the end of the 10+2 examination. This being a statutory stipulation, it was submitted that the same would override the business rules of respondent No. 3 – JoSAA, thereby demonstrating that the action of the said respondent in holding the petitioner ineligible is clearly arbitrary, particularly when the information bulletin issued by respondent No. 2 – NTA in Clause 5.8.1 specifically reiterated the aforesaid statutory eligibility prescribed by the Council of Architecture.

11. It was further submitted that, without prejudice to the aforementioned contention, even if the aforesaid criterion of obtaining 75% aggregate marks in class XII examination was to be applied, the petitioner satisfied the same, but for the anomalous scaling down of marks by respondent No. 3 – JoSAA while dealing with the case of the petitioner. It was submitted that one of the subjects in the Class XII examination of the petitioner i.e. Electronics was evaluated out of total

200 marks in stead of 100 marks for the other subjects. A proper scaling down of the marks pertaining to the subject of Electronics would show that the petitioner continued to satisfy the eligibility criterion of having obtained 75% marks in Class XII examination. It was submitted that the scaling down was arbitrarily applied by respondent No. 3 – JoSAA, thereby further indicating as to why the impugned action deserves to be set aside so that the petitioner is able to secure admission on the basis of her performance in the entrance examination. Learned counsel for the petitioner submitted that the petition ought to be allowed in the interest of justice.

12. On the other hand, Mr. Bhushan Kulkarni, learned counsel appearing for respondent Nos. 1 and 2 submitted that respondent No. 2 – NTA, being an agency created by respondent No. 1 – the Union of India for conducting aforementioned examination i.e. JEE, is concerned with the best possible manner in which the examination can be conducted with efficiency, effectiveness, equality and security of assessment. These being the principal goals of NTA, respondent No. 3 – JoSAA is the body that regulates and manages admission as well as seat allocation process, including the crucial aspect of laying down the eligibility criteria. The learned counsel for respondent Nos. 1 and 2 placed much emphasis on a rider contained in Clause 5.8.1 of the information bulletin issued by respondent No. 2 – NTA, stating clearly that the admission policy as announced by the competent authority, meaning JoSAA, shall be followed at the time of admission and that the candidates would have to satisfy themselves about their eligibility for admission. On this basis, it was submitted that since respondent No. 2 – NTA is responsible only for properly conducting the JEE, any grievance pertaining to admission and seat allocation process cannot be raised against the said respondent. As there was no allegation with regard to any deficiency in the manner in which the examination was conducted, it was submitted that no relief can be claimed against respondent Nos.1 & 2.

13. Mr. Arjun Mitra a/w. Mr. Krishna P. Rodge , learned counsel appearing for respondent No. 3 – JoSAA submitted that the fundamental premise on the basis of which the petitioner has claimed relief in the present petition is erroneous and mistaken. It was submitted that the process of examination for which respondent No. 2 – NTA is responsible, is distinct from the admission and seat allocation process, which is determined by respondent No. 3 – JoSAA. It was submitted that the business rules for joint seat allocation issued in May/June – 2025 really determined the rules of the games i.e. the process of seat allocation. After securing marks in the JEE when the petitioner agreed to participate in the seat allocation process through counselling, she agreed to the business rules issued in May/June – 2025 to apply in her case also. Before entering the process of counselling, the petitioner gave necessary declaration about abiding by the decision of respondent No. 3 – JoSAA regarding eligibility for admission. These rules at Clause 4 read with annexure 2(b) specifically laid down the criteria of eligibility for admission to B. Arch. Course. It was clearly stipulated that the candidates would have to score minimum 75% aggregate marks in Class XII

examination or the candidate should be in the top 20 percentile of the successful candidates in the Class XII board examination. The petitioner participated in the process of seat allocation conducted by respondent No. 3 – JoSAA, being fully aware about this requirement. Hence, it cannot be said that the rules were changed mid stream to the disadvantage of the petitioner. It was emphasized that the initial seat allocation on 14.06.2025, under the seat allocation process, itself was necessarily provisional and when further verification revealed that the petitioner was ineligible, the impugned communication dated 23.06.2025 was issued, which cannot be faulted.

14. It was submitted that reliance placed on behalf of the petitioner on the information bulletin issued by respondent No. 2 – NTA in October 2024 cannot be of any consequence. It was further submitted that the criterion specified by Council of Architecture in its notification dated 11.08.2020 prescribes the minimum marks that a candidate must have even to aspire for admission to the B.Arch. course. But, respondent No. 3 – JoSAA, as a body established by respondent No. 1 – the Union of India for admission to technical institutions of higher repute, was clearly within its powers to specify a higher minimum criteria. In this regard, reliance was placed on the judgment of the Delhi High Court in the case of Prateek Singhal Vs. National Testing Agency and Another; 2019 SCC OnLine Del 10873. On this basis, it was submitted that the contentions raised on behalf of the petitioner ought not to be accepted.

15. As regards the allegation regarding arbitrariness in scaling down the marks of the petitioner, it was submitted that the process of scaling down was logical and applied uniformly across the board, with which the petitioner cannot have any grievance. It was further submitted that upon applying the process of scaling down, unfortunately the aggregate marks of the petitioner slipped below 75% in Class XII examination and hence she was found to be ineligible. Having participated in the process of seat allocation on the basis of the aforesaid business rules, the petitioner cannot be permitted to turn around and challenge the same in the present writ petition. In support of the said contention, reliance was placed on a recent order passed by this Court at the principal seat on 27.06.2025 in Writ Petition (L) No. 17486 of 2025 (Aariv Marwah Vs. Union of India and Ors.). On this basis, it was submitted that the writ petition deserves to be dismissed.

16. This Court has considered the rival submissions on the basis of the pleadings and documents on record. The controversy revolves around the applicability of the eligibility criterion contained in annexure 2(b) of the business rules for joint seat allocation issued by respondent No. 3 – JoSAA in May/June – 2025. If it is found that the said eligibility criterion cannot be applied or that the petitioner satisfies such criteria if it were to be applied, the petition will have to be allowed and if not, the petitioner cannot be succeed.

17. Before adverting to the rival submissions, it would be appropriate to consider the role of respondent No. 2 – NTA and that of respondent No. 3 – JoSAA.

Respondent No. 2 – NTA has been established as an independent testing agency by respondent No. 1 – the Union of India and it is registered under the Societies Registration Act, 1860, for conducting examinations in an efficient, effective and transparent manner with security of assessment. It is evident that respondent No. 2 – NTA does not have any role to play in laying down the guidelines or the eligibility criteria for admission to various technical courses in IITs, NITs and Government funded technical institutions. The thrust and the objectives of respondent No. 2 – NTA are to assure a valid, reliable, efficient, transparent, fair and international level assessment.

18. Respondent No. 3 – JoSAA performs the function of seat allocation and admission process through rounds of counselling facilitating admission to various academic programs for IITs, NITs and Government funded technical institutions. A perusal of the business rules for joint seat allocation for academic programs issued by respondent No. 3 – JoSAA lays down, inter alia, eligibility criteria for admission to the aforesaid institutions. We find that respondent No. 3– JoSAA has the final word on eligibility criteria and other aspects of seat allocation and admission process and that respondent No. 2 – NTA cannot override or substitute the role of respondent No. 3 – JoSAA. It is for this reason that the information bulletin issued by respondent No. 2 – NTA in October – 2024, indicated that the domain of seat allocation of admission would be ruled by the competent authority i.e. JoSAA. This becomes further clear from Clause 5.8.1 of the information bulletin issued by respondent No. 2 – NTA, which reads as follows:-

“5.8.1 Eligibility for Admission to NITs, IIITs, and CFTIs participating through the Central Seat Allotment Board (CSAB):

For the candidates who qualify for admission in the NITs, IITs and such other CFTIs whose admissions are based on the JEE (Main) ranks in Paper 1, they should have secured at least 75% marks in the Class XII examination or be in the top 20 percentile in Class XII examination conducted by respective Boards. For SC/ST candidates, the qualifying marks should be 65% in the Class XII examination.

The candidate is also required to pass in each of the subjects of Class XII / qualifying examination. The Admission to NITs, IITs and CFTIs will be based on the announced qualifying Percentile by the individual Institutes.

For eligibility regarding details, candidates may refer to the website <https://csab.ac.in/>.

The eligibility criteria decided by the Council of Architecture for admission to B.Arch. course other than NITs, IITs and CFTIs.

For B. Planning, the candidates should have passed the qualifying examination with 50% marks in Mathematics and 50% marks in aggregate of the qualifying examination.

Subject combinations required in the qualifying examination for admission to

B.E./B.Tech, B.Arch and B.Planning Courses in NITs, IIITs, and other CFTIs shall be as under.

Course

Required Criteria based on Class XII / Equivalent qualifying Examination

B.E/B.Tech.

Passed qualifying examination with Physics and Mathematics as compulsory Subjects along with one of the Chemistry / Biotechnology / Biology / Technical Vocational subjects.

B.Arch.

No candidate shall be admitted to an architecture course unless he has passed an examination at the end of the 10+2 scheme of examination with at least 50 percent, aggregate marks in Physics, Chemistry and Mathematics and also at least 50 percent marks in aggregate of the 10+2 level examination/or passed the 10+3 Diploma Examination with Mathematics as a compulsory subject with at least 45 percent marks in aggregate.

B.Planning

Passed qualifying examination with Mathematics

As per the Gazette of India dated: 19 July 2023, F. No. CA/498/2023/MSAE (Regulations), the eligibility criteria for B.Arch. has been updated as mentioned above.

The Admission Policy as announced by the Competent Authority of the admitting institutes shall be followed at the time of admission. The Candidates are advised to satisfy themselves about their Eligibility for Admission from the respective websites of admitting authorities."

19. A perusal of the above quoted clause shows that it indeed indicates requirements of 75% marks to be obtained in Class XII examination or satisfying the requirement of top 20 percentile in Class XII examination. There is some substance in the contention raised on behalf of the petitioner that since this portion of the clause refers to paper 1, which is relevant for admission to B.E./B.Tech. courses, it would not be relevant for admission to the B. Arch. course. It is also to be noted that in the table contained in the above quoted clause, insofar as the B. Arch. Course is concerned, it is specified that no candidate would be admitted to the course unless at least 50% aggregate marks are secured in the 10+2 level examination. But, the most crucial portion of the above quoted Clause is at the bottom wherein the candidates are made clearly aware that the admission policy shall be as per the competent authority and the same shall be followed at the time of admission, further forewarning the candidates that they would have to satisfy themselves about their eligibility for admission. We are of the opinion that this rider at the bottom of Clause 5.8.1 is most crucial and it is

in tune with the distinct roles of respondent No. 2 – NTA on the one hand and respondent No. 3 – JoSAA on the other.

20. It is relevant to note that in Clause 5.8.2 of the information bulletin issued by respondent No. 2 – NTA, it is stipulated that the candidates would have to refer to the website of JoSAA for all admission related procedure/queries. This indicates that the role of respondent No. 2 – NTA was limited to holding the examination in a free, fair, efficient and transparent manner, with the process of seat allocation and admission being in the domain of respondent No. 3 – JoSAA. It is also relevant to note that JoSAA was formed in the year 2015-2016 on the recommendation and approval of councils of IITs, NITs and Government funded technical institutions like SPA. It was authorized to develop the seat allocation process, formulate business rules including laying down eligibility criteria. The requirement of minimum 75% aggregate marks in Class XII examination and top 20 percentile cut-off in Class XII was fixed as per decision taken way back in the year 2016, which is not under challenge.

21. The said business rules for joint seat allocation published in May/June 2025 by respondent No. 3 – JoSAA clearly specified in paragraph No. 4 that the eligibility for participating in the process, insofar as the admission to B. Arch. course was concerned, was given in annexure 2(b). The eligibility criterion specified in annexure 2(b) reads as follows :-

- "The candidates should have appeared for the class XII (or equivalent) examination for the first time in 2023 or 2024 or 2025 and must satisfy at least one of the following two criteria:

1. Must have passed class XII (or equivalent) Board examination with a minimum of five subjects and secured at least 75% aggregate marks. The aggregate marks for SC, ST and PwD candidates should be at least 65%.

2. Must have passed class XII (or equivalent) Board examination with a minimum of five subjects and be within the category-wise (category as per the central list <https://www.ncbc.nic.in>, <https://socialjustice.gov.in>. and <https://ncst.nic.in>) top 20 percentile of successful candidates in their respective Class XII (or equivalent) board examination."

22. It further specified about scaling up or down as follows:-

- "For calculation of the total marks for five subjects, if the marks awarded in a subject is NOT out of 100, then the marks will be scaled (up or down) to 100 so that the total aggregate marks is out of 500.

- If a Board awards only letter grades without providing an equivalent percentage of marks on the grade sheet, the candidate should obtain a certificate from the Board specifying the equivalent marks and submit it at the time of acceptance of the allocated seat. In case such a certificate is not provided, the decision taken by the Central Seat Allocation Board (CSAB) 2025 will be final."

23. Since the petitioner participated in the seat allocation process for admission knowing full well about the said eligibility criterion, it cannot be contended that she was unaware about the same. The declaration required to be given by candidates such as the petitioner while taking part in the process of seat allocation and admission, specifically records that:-

"I have gone through and understood the contents of business rules prescribed therein. I shall abide by rules and admission process of JoSAA 2025 as specified in the business rules"

24. The petitioner admittedly gave such declaration by agreeing to the said terms and conditions and proceeded to participate in the process of seat allocation and admission. It is at this stage that the rules of the game or the process of seat allocation and admission were laid down, to which the petitioner agreed. We are of the opinion that the petitioner cannot claim that the rules of the game or the process stood triggered when the information bulletin was issued by respondent No. 2 – NTA, particularly because the aforementioned rider at the bottom of the above quoted Clause 5.8.1 of the information bulletin notified all candidates like the petitioner that the admission policy would be as specified by JoSAA and it was for the candidates to satisfy themselves as to whether they were eligible for admission or not. Therefore, it cannot be contended that the rules of the game or the process were changed mid stream by the respondents to the detriment of the petitioner.

25. All candidates identically situated like the petitioner were dealt with under the same set of procedure and rules and therefore, it cannot be said that the petitioner was either singled out or discriminated against during the process of seat allocation and admission. We find that the distinction sought to be made between the facts dealt with by the Delhi High Court in the case of 'Prateek Singhal Vs. National Testing Agency and Another' (Supra) and the present case would not assist the petitioner in any manner. It is the clearly defined role of respondent No. 2 – NTA on the one hand and respondent No. 3 – JoSAA on the other, which are distinct and different, that makes a crucial difference. It cannot be said that the eligibility criterion was changed mid stream to the detriment of the petitioner.

26. Therefore, reliance placed on behalf of respondent No. 3 – JoSAA on the recent order of this Court in the case of 'Aariv Marwah Vs. Union of India and Ors.' (Supra) is justified, for the reason that the petitioner in the present case also willfully and with open eyes participated in the process of seat allocation and admission, knowing full well the eligibility criterion specified in annexure 2(b) to the rules of the business and therefore, she cannot turn around and raise grievance about the said eligibility criterion. If she had a grievance, she ought to have raised a challenge before participating in the counselling and seat allocation process.

27. This Court is unable to accept the contention of the petitioner that the

respondents have acted in an arbitrary manner, resulting in valuable rights of the petitioner being violated. The admission offered to the petitioner in terms of the seat allocation communication dated 14.06.2025 was provisional and it was subject to verification of eligibility. It was after the eligibility of the petitioner was verified that the impugned communication dated 23.06.2025 was issued. Since the principal contention raised on behalf of the petitioner that rules of the game were changed mid stream is not accepted by this Court, it is held that the eligibility criterion of obtaining aggregate 75% marks in Class XII examination or being in top 20 percentile does apply to the case of the petitioner. It is also relevant to note that this minimum requirement has been consistently applied in the process of admission to B.Arch. course in the earlier years also, at least from 2016-2017.

28. As regards the contention that the statutory minimum requirement as prescribed by the Council of Architecture as per notification dated 11.08.2020 could not have been deviated from, suffice it to say that the aforesaid statutory requirement is the bare minimum requirement, which if not satisfied cannot lead to admission to the B.Arch. course. Respondent No. 3 - JoSAA being foisted with the responsibility of admission to prestigious institutions, including Government funded technical institutions, is well within its rights to prescribe a higher norm. The Delhi High Court in the aforesaid judgment of 'Prateek Singhal Vs. National Testing Agency and Another' (Supra) has taken a similar view, with which this Court concurs.

29. As regards arbitrariness on the part of respondent No. 3 – JoSAA in scaling down the marks of the petitioner, this Court is of the opinion that since the rules of business specifying that scaling up or down of the marks to hundred so that total aggregate marks are out of 500 (five hundred) was notified to all candidates including the petitioner, it cannot be said that the scaling down itself was arbitrary. The petitioner obtained 174 marks out of 200 in Electronics subject and it was scaled down by respondent No. 3 – JoSAA to marks out of 100 (hundred). The petitioner was unable to demonstrate how the scaling down was arbitrary and this Court would not sit in appeal over the formula of scaling down adopted by respondent No. 3 – JoSAA. In any case, the said respondent scaled down the marks to half of those obtained by the petitioner since the total marks were also reduced to half from 200 to 100. We are unable to agree with the petitioner that the formula of scaling down was arbitrary. There is nothing to show that such formula of scaling up or down was implemented in a haphazard manner by respondent No. 3 – JoSAA or that the petitioner was singled out for discrimination while doing so. Such scaling up and down has been applied across the board by the said respondent and therefore, even the said contention cannot be accepted.

30. Since the petitioner has not been able to demonstrate arbitrariness in the conduct of the respondents, we are unable to agree to the relief sought on her behalf. Holding otherwise would also disturb the entire process of seat allocation

undertaken by respondent No. 3 – JoSAA as per its business rules, which have been applied uniformly to all the candidates to secure admission in B.Arch. course. No case for discrimination or arbitrariness is made out. In any case, it is not as if the petitioner will not be able to secure admission in B.Arch. course at all in this academic year. She can certainly secure admission in any institute that has decided not to fill up the seats by participating in the seat allocation process through JoSAA. The aforesaid option is always available to the petitioner and therefore, this Court is of the opinion that the petitioner cannot be granted relief in the present petition.

31. In view of the above, the Writ Petition is DISMISSED. Pending applications, if any, also stand disposed of.