
(2022) 10 BOM CK 0099

In the Bombay High Court

Case No : Writ Petition (L) No. 31857, 31858 Of 2022

Shreyas Sunil Babel And Others

APPELLANT

Vs

Chairman And Others

RESPONDENT

Date of Decision : 17-10-2022

Acts Referred:

Constitution Of India, 1950 — Article 142

Citation : (2022) 10 BOM CK 0099

Hon'ble Judges : S.V. Gangapurwala, J;R. N. Laddha, J

Bench : Division Bench

Advocate : Pralhad Paranjpe, Kunal Kanungo, Paras Oza, Druti Datar, S. Venkateshwar, Arjun Mitra, Rui Rodrigues, Jainendra Sheth

Final Decision : Disposed Of

Judgement

S.V.Gangapurwala, J

1. The petitioners seek permission to participate in 4th, 5th and 6th rounds of seat allocation for admission to the IIT course in respondent No.2 Institution in which petitioners had secured admission in Round 1.

2. The petitioners herein had appeared for JEE (Main) and JEE (Advanced). The petitioners were allotted provisional admission in respondent No.2 IIT. Both these petitioners are allotted the seats, however, did not deposit the seat allocation fee. Petitioner Bharat in Writ Petition (L) No. 31857 of 2022 had selected "Float" option and petitioner Shreyas in Writ Petition (L) No. 31858 of 2022 had selected "Slide" option. The petitioners did not pay the seat acceptance fee, as such, now are not considered for subsequent rounds.

3. Mr. Paranjape, learned Advocate for petitioners strenuously contends that due to technical glitches the petitioners could not upload the documents and pay the seat acceptance fee in spite of multiple efforts. It was only on account of technical glitch, the seat acceptance fee could not be paid. The petitioners are of young age. Though the petitioners are eligible and entitled to seat in IIT on

merits, but due to technical glitch and arbitrary Clause 41 of Business Rules the petitioners are automatically exited from subsequent rounds of seat allocation solely on the ground of non-payment of seat acceptance fee. The opportunity is also not provided to the petitioner to rectify the same. The options "Float" and "Slide" clearly provides that a candidate can choose different seats other than those allotted to him or her in the first round. It would be too harsh not to allow the petitioners to participate in further rounds only on the ground of non-payment of seat acceptance fee. The petitioners are bright students and desirous of studying in IIT and cleared the JEE examination.

4. The learned Advocate for respondents submits that seats in IITs and the NIT+ system are offered jointly through the common process conducted by respondent No.2 in accordance with Business Rules framed by the Competent Authority. The entire process is carried out through NIC and is completely computerized. There is no physical interference in the seat allocation process apart from the documents verification stage. The petitioners were offered the seats at IIT, Gandhinagar and IIT, Mumbai in the 1st round. The petitioners were required to complete the steps in accordance with the provisions laid down in the Business Rules. Three steps for confirming of seat are contemplated :

i) Acceptance of seat

ii) Uploading the documents

iii) Pay the seat acceptance fee

5. The timeline for making the payment of seat acceptance fee for the 1st round of seat allocation was from September 23, 2022 till September 26, 2022. The petitioners did not make any attempt to pay the seat acceptance fee or upload their documents during this time. The log book details would indicate that the petitioners downloaded the initial Seat Allotment Slip and completed the first step of 1st round, however, failed to complete the remaining steps. The petitioners downloaded the letter on multiple times. The petitioners also did not make any attempt to contact the respondent about the alleged difficulty until after the portal had closed and timeline had expired. The Business Rules contain a Grievance Redressal Mechanism in Rule 84 in which both queries and grievances can be addressed. The first email sent on behalf of the petitioner on this matter was September 30, 2022, after the portal had closed, Round 1 was over and the seat had already been rejected.

6. The learned Advocate submits that the Division Bench of this Court in case of Prince Jaibir Singh v. Union of India & Ors. under order dated 12th November 2022, dismissed the writ petition under the similar facts and circumstances. The Apex Court in the facts of the said case exercised its powers under Article 142 of the Constitution of India. The learned Counsel submits that there are no seats available now in respondent No.2 IITs all of which have been offered, allocated and accepted. The seats which may be available in 5th round may be allotted as per the Business Rules to next deserving candidates.

7. We have considered the submissions.

8. The petitioners certainly were allotted the seats in respondent No.2 IITs. The petitioners did not deposit the seat acceptance fee and upload the documents. The petitioners had time from September 23, 2022 to September 26, 2022. The petitioners failed to avail the same.

9. The only reason coming forth on behalf of the petitioners for non-payment of fee is the technical glitch. The petitioners had three days' time at the disposal. The petitioners failed to diligently exercise their rights within three days.

10. The Business Rules would be applicable uniformly to all the parties. The seats those were allotted to these petitioners have already been offered and allotted to the others. They cannot be now dislodged. We do appreciate the submissions of the learned Advocate for the petitioners that these petitioners must have studied hard to clear the JEE (Advanced) examination for admission to IITs. They were also allotted seats in the 1st round demonstrating that these petitioners are meritorious students. However, now at this stage, we cannot come to the aid of the petitioners nor the Business Rules would allow the petitioners the same seats which they were allotted earlier.

11. In light of the above, it will not be possible to accept contentions of the petitioners. However, we may observe that if during the 6th round after all students have taken admission, if there are some seats vacant, the respondent No.2 may consider the petitioners for admission without impinging upon the rights of any other students. We have observed this only because these petitioners certainly seem to be bright students, who were allotted seats in the 1st round on their own merits, but did not deposit the seat acceptance fee and upload the documents, due to technical glitches as claimed by them.

12. The writ petitions, as such, are disposed of. No costs.