



2025:DHC:2549



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

% *Judgment Delivered on: 09.04.2025*

+ **W.P.(C) 4129/2025 & CM APPL. 19127/2025**

ISHAN GUPTA

.....Petitioner

Through: Mr. Md. Naushad Alam, Adv. with
Petitioner (through VC).

versus

NATIONAL TESTING AGENCY

.....Respondent

Through: Mr. Sanjay Khanna, SC with Ms.
Pragya Bhushan, Mr. Tarandeep
Singh and Ms. Vilakshana Dayma,
Adv.

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

VIKAS MAHAJAN, J (ORAL)

1. By way of present petition, the petitioner is seeking the benefit of reservation as candidate under the category of Person with Disability / Person with Benchmark Disability (PwD/PwBD) in the JEE (Main) although, while submitting his application form the petitioner had applied under the General Category.

2. In the writ petition, the following reliefs were sought by the petitioner:



“(i) Issue a Writ in the nature of mandamus or other suitable writ or order or direction thereby commanding the Respondent to give Compensatory Time to the Petitioner in JEE –2025 (Main)/ Session 2 as provided under Chapter 4 of the Information Bulletin of JEE (MAIN) - 2025 (Annexure P/1);

(ii) Issue a Writ in the nature of mandamus or other suitable writ or order or direction thereby commanding the Respondent to treat the Petitioner as Person with Benchmark Disability/PwBD under Chapter 4 of the Information Bulletin JEE (MAIN)-2025 (Annexure - P/1) and extent benefits of Reservation; and/or

(iii) Issue a Writ in the nature of mandamus or other suitable writ or order or direction thereby commanding the Respondent to allow the petitioner to appear either on 07.04.2025 or on 08.04.2025.”

3. As the petition was listed for the first time on 02.04.2025 and the Session II of JEE (Main) was scheduled on 03.04.2025, the learned counsel for the petitioner had stated that the petitioner will appear for the said examination without insisting upon compensatory time.

4. Today when the matter is heard, the learned counsel for the petitioner submits that the only surviving prayer of the petitioner is that he may be permitted to modify/update his category as PwD/PwBD in the application submitted by him for the Sessions I & II of the JEE (Main) so that the benefit of reservation under the said category could be extended to the petitioner.

5. At the time of filling the common application form for both sessions of JEE (Main), the petitioner had applied under the General Category (or Non-PwD/PwBD category) and against the sub-category column of “PwD/PwBD” in the application form, the petitioner had indicated his



response as “No”. Accordingly, the petitioner appeared for JEE (Main) 2025 Session I (B.E/B.Tech) in January 2025 as non-PwD/PwBD candidate. The result of Session I was declared on 11.02.2025 and petitioner’s NTA score is 89.3379658.

6. Subsequently, on 03.03.2025 the petitioner applied for issuance of a Disability Certificate. On 25.03.2025, the Medical Board of Jai Prakash District Hospital, Bhopal (M.P.) issued a Disability Certificate confirming 40% Permanent “Specific Learning Disability”.

7. On 25.03.2025, a public notice was issued detailing the time and date of JEE (Main) 2025 Session II Examination and the petitioner’s Session II Exam was scheduled on 03.04.2025. In the meanwhile, the present petition was filed by the petitioner on 31.03.2025 which was listed for the first time on 02.04.2025, as noted above.

8. Mr. Naushad Alam, the learned counsel for the petitioner submits that the petitioner and his family members were not aware that the petitioner was suffering from “Specific Learning Disability” which is a rare disability and not apparent without diagnosis, therefore, it resulted into delay in assessment.

9. He submits that despite petitioner’s disability, he has secured good marks in JEE (Main) Session I and has also taken the exam of Session II. As per the ‘Information Bulletin 2025’ for JEE (Main) 2025 issued by the respondent/National Testing Agency (in short ‘NTA’) the marks of best of these two sessions are considered for determining the eligibility to appear in JEE (Advanced). The chance to appear in JEE (Advanced) is available only



for two consecutive years.

10. Mr. Alam submits that this is the second year/attempt of the petitioner and in case the petitioner is not considered under the category of PwD/PwBD, he will never get a chance to compete for admission in IITs under the said category.

11. He invites attention of the Court to Note 4.1 of Chapter – 4 of the Information Bulletin – 2025, which deals with the reservations, to contend that the category can be changed prior to the declaration of NTA Score for JEE (Main) 2025.

12. Mr. Alam has also handed over a brief note of his submissions along with a copy of the email dated 02.04.2025 sent by the petitioner to the respondent as well as the response thereto by the respondent, the same is taken on record. A perusal of the email dated 02.04.2025 sent by the petitioner to the respondent shows that the same was written to the respondent/NTA prior to the Session II Exam of JEE (Main), which in the case of petitioner was scheduled on 03.04.2025. In said email/representation the petitioner *inter alia* made a request to permit him to update his category from General to PwD/PwBD.

13. He submits that as per the Information Bulletin – 2025 issued by the respondent / NTA, 5% seats are reserved for PwD/PwBD candidates in each of the General, Gen-EWS, OBC-NCL, SC and ST category seats. In case the petitioner is not considered as PwD/PwBD candidate, the petitioner will be competing with the persons who are not on the same pedestal and it would tantamount to denial of petitioner's constitutional right, as well as



statutory right under the Rights of Persons with Disabilities (RPwD) Act, 2016.

14. *Per contra*, Mr. Sanjay Khanna, the learned Standing Counsel for the respondent/NTA submits that since the petitioner had appeared in Session I of the JEE (Mains) 2025 as a General Category candidate, therefore, he cannot be considered under the PwD / PwBD category for Session II of the same examination. Elaborating further he submits that since the marks of best of these two sessions are considered for determining the eligibility to appear in JEE (Advanced), it will lead to confusion if petitioner's score in Session I is considered under General category and the score of Session II is considered under the PwD / PwBD category.

15. Referring to Note 4.1 of the Information Bulletin 2025, Mr. Khanna submits that since the petitioner has already taken the Session I Exam under the General Category and the result for the same has been declared, therefore, no request for change of category can be entertained.

16. He has handed over at Bar a Public Notice dated 18.11.2024, the same is taken on record. Referring to the said Public Notice he contends that the respondent had provided an opportunity to the candidates to modify their particulars in the online application form of JEE (Main) 2025 from 26th November to 27th November 2024 (up to 11:50 p.m.) and all the registered candidates for the said examination were advised to visit the website and verify their particulars. They were further advised to make correction(s) in their particulars, in their respective application form, if required. He submits



that at that stage, the petitioner was at liberty even to change the category, however, the petitioner did not avail of the said opportunity.

17. Relying upon the decision dated 24.04.2024 of a Coordinate Bench of this Court in ***P. Nihal Srivatsav Through His Natural Guardian P Harish Babu v. Union of India and Anr., W.P.(C) 4850/2024***, Mr. Khanna submits that this Court dealing with a similar situation has held that an application which has not been submitted under the PwD / PwBD category cannot be treated as one submitted under the PwD / PwBD category as it would amount the Court re-writing the application submitted by the petitioner and modifying the particulars entered in the application.

18. In rejoinder Mr. Naushad Alam clarifies that the petitioner is not seeking a retrospective change but a prospective correction for Session II alone, given that results of Session II are not yet finalized. He further submits that the petitioner is ready to give an undertaking that he will not rely on the NTA Score of the Session I which has already been declared, if the petitioner is considered under the category of PwD / PwBD for Session II Examination of JEE (Main) 2025.

19. As regards the correction window provided by the respondent *vide* its public notice dated 18.11.2024, the submission of Mr. Alam is that the said correction window was not notified in the prospectus but was notified by way of public notice. He submits that since the disability in case of petitioner was assessed only in March 2025, there was no occasion for the petitioner to seek correction in his category in November, 2024. He submits that in terms of Note 4.1, there is no embargo that category cannot be



permitted to be changed at this stage, when the score of Session II is yet to be declared.

20. The petitioner, who has also joined the proceedings along with his father through Video Conferencing, states that in case the respondent considers the petitioner under the PwD/PwBD Category for Session II of JEE (Main), the petitioner undertakes that he will not rely on the NTA Score of Session I which has already been declared, for determining his eligibility to appear in JEE (Advanced).

21. Having heard the learned counsel for the petitioner, as well as, the learned Standing Counsel for the respondent, the short question which arises for consideration of this Court is whether the petitioner can be permitted to change/update the category in his application form from General Category to PwD/PwBD Category for Session II of JEE (Main) at this stage when he has already appeared for Session I of the said exam as Non-PwD/PwBD Category and the result of Session I stands declared.

22. At the outset, it may be noticed that somewhat similar issue arose in *P. Nihal Srivastav* (supra). The petitioner therein had applied for the Disability Certificate on 08.06.2023 which came to be issued by the State Authorities only on 02.03.2024, however, in the meanwhile, the petitioner had submitted his application both for Session I and Session II of JEE (Mains) 2024 between 01.11.2023 and 30.11.2023. Accordingly, the petitioner therein could not claim himself to be a Person with Disabilities (PwD) for want of the requisite certificate from the State Authorities, while submitting his application.



On 06.12.2023, the NTA had issued a public notice allowing the candidates who had applied for attempting Session I and Session II of JEE (Main) Examination to make correction and modify the particulars entered by them in the application form on or before 08.12.2023, however, the petitioner therein could not utilise the said opportunity as he had yet not received the Disability Certificate by 08.12.2023.

Subsequently, on 02.02.2024 the NTA by notification invited application form for the candidates who had to take only Session II for the JEE (Main) 2024 and the application were required to be submitted on or before 02.03.2024. Thereafter, on 02.03.2024, NTA issued another public notice allowing candidates to edit or modify their applications, however, the facility of making of additions or modifications in the submitted application form with respect to the PwD status was extended only to new candidates who had applied only for attempting the Session II Paper and the same was not made available to the candidates, such as the petitioner therein, who had applied in November 2023 for attempting Session I and Session II.

23. In this factual backdrop, the writ petition was filed by the petitioner therein seeking issuance of an appropriate writ with a direction to the respondent therein (NTA) to treat the petitioner's status as entered in the application submitted in November 2023 for participation in the JEE (Main) 2024 Examination as a PwD candidate.

24. This Court held that there is no question of passing any such direction as the application which has not been submitted under the PwD Category cannot, by judicial fiat, be directed to be treated as one submitted under the



PwD Category as this would amount to the Court rewriting the application. It was further held that if the candidate owing to reasons beyond his control is unable to avail the opportunity to correct the details entered in the application that cannot constitute a ground for the Court to grant succour to such a candidate, thereby transgressing the protocol of JEE (Main) Examination.

25. The Court also observed that the stipulated procedure for carrying out corrections in the application is wholesome, equitable and evenly distributed which cannot be tweaked to administer to the difficulties in which each individual candidate may find himself or herself. It was held that if between the Session I and the Session II of the exam of JEE (Main) Examination, a candidate is permitted to change his status from EWS Non-PwD candidate to a PwD candidate, it is bound to result in operational issues. The scheme of JEE (Main) Examination envisages the better of the two results to be taken into consideration where a candidate opts to appear in both sessions. It is bound to result in confusion if for Session I, a candidate is assessed as Non-PwD candidate and for Session II, he is assessed as a PwD candidate.

26. It was further observed that such a confusion may not arise in the case of a candidate who has not attempted Session I and is only attempting Session II and has been allowed to change his status from Non-PwD to PwD candidate. However, where a candidate admits both sessions, the Court cannot tweak the rule in such a way that the candidate would be assessable, *qua* his Session I Paper as a Non-PwD candidate and *qua* his Session II



Papper as a PwD candidate. If any relaxation is required to be made, that relaxation has to find place in the rule.

27. The relevant paras of *P. Nihal Srivastav* (supra) read thus:

“20. At the outset, it may be noted that the prayer, as worded in the petition, cannot be granted. This Court cannot re-write the application submitted by the petitioner. The prayer seeks a direction to the respondents to treat the petitioner’s application as one submitted under the PWD category. There is no question of passing any such direction. An application which has not been submitted under the PWD category cannot, by judicial fiat, be directed to be treated as one submitted under the PWD category. This would amount the Court rewriting the application submitted by the petitioner and modifying the particulars entered by the petitioner in the application. Alternatively, it would amount to the Court to direct the respondent to treat the petitioner’s application as one submitted as a PwD candidate, though the application itself indicates otherwise.

21. Quite obviously, this cannot be done.

22. Though there is no specific challenge, in the petition, to the Public Notice dated 2 March 2024, the petitioner essentially ventilates his grievance against the said Public Notice to the extent it allows “new candidates” who applied only for attempting the JEE (Main) 2024 Session II Examination, but did not allow candidates who had earlier applied for attempting both Session I and Session II, to modify the particulars with respect to PwD status, as entered with the applications submitted by them.

23. Mr. Nazeem submits that there is no rational basis for this discrimination which can be said to have any nexus with the object of allowing modifications in the application. He emphasizes the fact that, on 2 March 2024 when the “objectionable” Public Notice came to be issued, the result of the JEE (Main) 2024 Examinations had yet not been declared. As such, no prejudice would have been



caused to the respondents if candidates who had earlier applied in November 2023 for attempting both Session I and Session II of the JEE (Main) 2024 Examinations were treated at par with candidates who had applied later for attempting in the Session II of the JEE (Main) 2024 Examinations and were permitted to modify or edit their PWD status as entered in the applications submitted by them.

24. Mr. Nazeem emphasized the fact that, if the petitioner was unable to enter his correct PwD status in the application submitted by him on 19 November 2023, that was because, by that date, he had yet to receive the disability certificate from the State of Telangana, though he had applied much prior thereto on 8 June 2023. This delay, submits Mr. Nazeem, was not attributable to any fault of the petitioner, but was because of ongoing elections in the State of Telangana, for which the petitioner was in no way responsible. The petitioner ought not, therefore, in his submission, to be subjected to prejudice for a reason not attributable to him.

25. Mr. Khanna, learned Counsel for the respondent NTA submits, on the other hand, that there is an intelligible differentia between candidates who applied in November 2023 for attempting both Session I and Session II of the JEE (Main) 2024 Examinations and those who applied later for attempting only Session II of the JEE (Main) 2024 Examinations.

26. Despite this, he submits that there has been no discrimination between the two categories of candidates, as both the categories of candidates were given a reasonable window of opportunity to correct the details entered in their applications, with candidates who had applied in November 2023 being allowed to correct the particulars on or before 8 December 2023 and candidates who applied only for Session II in February/March 2024 being allowed to make corrections till 7 March 2024, vide the Public Notice dated 2 March 2024. Both categories of candidates were, therefore, on an even keel.



27. Mr. Khanna further submits that the petitioner could not compare himself with a candidate who had applied only for attempting Session II of the JEE (Main) 2024 Examinations, as that candidate would only be attempting the examination in one PwD capacity/status. The petitioner, on the other hand, has attempted Session I of the JEE (Main) 2024 Examinations as an EWS non-PwD candidate. He cannot, therefore, now be permitted to attempt Session II of the same examination as a PwD candidate. This would create serious logistical difficulties.

28. For the following reasons, this Court regrets that it is not in a position to come to the aid of the petitioner:

27.1 It cannot be said that the petitioner was discriminated vis-a-vis candidates who had applied only for attempting Session II of the JEE (Mains) examination. The candidates who applied prior to Session II of the JEE (Mains) examination were also, in fact, given an opportunity to correct errors in their applications, including the EWS and PwD status, between 6 December 2023 and 8 December 2023. As such, candidates who had applied prior to Session I of the JEE (Mains) examination and candidates who had applied between Session I and Session II of the JEE (Mains) examination were placed on an equal plane, with both of them being provided a window of opportunity for correcting the details entered in their application forms. The submission of Mr. Nazeem that the said opportunity could not have been availed of by the petitioner as, owing to the elections which were in progress in the State of Telangana, he was not able to obtain the disability certificate even by 8 December 2023, can be of no avail to the petitioner. **Once an opportunity had been granted to candidates who had applied prior to Session I of the JEE (Mains) examination, equally with candidates who had applied between Session I and Session II, no discrimination can be alleged. If, owing to reasons beyond the control of any individual candidate, she, or he, is unable to avail the**



opportunity to correct the details entered in the application, that cannot constitute a ground for the Court to grant succour to such a candidate, thereby transgressing the protocol of the JEE (Main) Examination, which, as the internet informs us, was attempted by as many as 14,15,110 candidates.

*27.2 In fact, what Mr Naseem seeks is two opportunities for correcting the PwD status, insofar as his client particularly is concerned. The only basis for this somewhat unusual request is that the State of Telangana had not issued the disability certificate to his client till 8 December 2023, as a result of which the opportunity for correction extended by the respondent between 6 December and 8 December 2023 was rendered illusory. That, unfortunately, cannot be helped. **The Court cannot direct the respondent to provide one more opportunity to the petitioner to change his PwD status, merely because the elections in the State of Telangana prevented the issuance, to him, of his disability certificate before 8 December 2023, when the window of opportunity available to his client, and others who had applied along with him in November 2023, closed. The stipulated procedure, which is wholesome, equitable, and evenly distributed, cannot be tweaked to administer to the difficulties in which each individual candidate may find herself or himself. Justice is a panacea, but one which has to be administered in the permissible dosage.***

27.3 Serious operational issues, were the prayers of the petitioner to be granted, are also bound to arise. The assessment system of the JEE cannot, quite obviously, treat a candidate as a non-PWD candidate for Session I and a PWD candidate for Session II. This is what, however, grant of the relief sought by the petitioner would precisely entail. The petitioner's application, as submitted before Session I of the JEE (Mains) examination, reflected him as an EWS non-



PwD candidate. He, therefore, underwent Session I of the JEE (Mains) examination as an EWS, non-PwD candidate. If, now, between the first and the second Session of the JEE (Mains) examination, the petitioner is permitted to change his status from an EWS, non-PwD candidate to a PwD candidate, it is bound to result in operational issues. The scheme of the JEE (Mains) examination envisages the better of the two results being taken into consideration, where a candidate opts to appear in both Sessions. The entitlement of a candidate is also dependent on the status of the candidate as general, EWS, or PwD etc. If Session I of the JEE (Mains) examination of the petitioner is to be assessed treating him as an EWS non-PwD candidate, and Session II is to be assessed treating him as a PwD candidate, it is bound to result in confusion. Besides, it would result in a strange and paradoxical situation in which a candidate would have enjoy one status for Session I and another for Session II, which is obviously anomalous.

27.4 This position is underscored by the fact that, in the present case, the result of the candidates who have undertaken Session I of the JEE (Mains) examination has already been released. The petitioner has undertaken the said paper as an EWS non-PwD candidate. Mr. Nazeem submits that, the exercise of comparing the results of the first and Session II of the JEE (Mains) examination and selecting the better of the two results takes place simultaneously. Even so, the Court is mindful of the difficulties which would arise if the petitioner is to be assessed as a non PwD candidate in Session I and as a PwD candidate in Session II.

27.5 There is, therefore, a clear intelligible differentia between a candidate who has already attempted Session I of the JEE (Mains) examination as a non-PwD candidate and seeks to attempt Session II as a PwD candidate, vis-à-vis a candidate who has not attempted Session I and is only attempting Session



*II. Allowing the latter candidate to change his status is not bound to result in any confusion as the candidate has not attempted Session I at all. Where, however, a candidate attempts both Sessions, the **Court cannot tweak the rule in such a way that the candidate would be assessable, qua his Session I paper, as a non-PwD candidate and qua his Session II paper as a PwD candidate.***

*27.6 Mr. Nazeem fervently argued that the situation in which the petitioner finds himself is owing to no fault of his, but because of the elections which were in progress in the State of Telangana. He submits that, therefore, it would be a travesty of justice if, owing to no fault of his, the petitioner were to be prejudiced. This contention is obviously unacceptable. Rules governing an examination, especially an examination conducted at an all India level, are equally applicable to all students. **If any relaxation is required to be made, that relaxation has to find place in the rule. If Courts were permitted to tweak the rule to suit personal exigencies and deal with difficulties being faced by individual students, even if those difficulties are not attributable to any fault on the part of the students, it would result in total anarchy and may even result in formidable difficulties in assessing, compiling, and declaring the results.***

27.6 The Court has also to be mindful of the fact that the impugned rule is part of the academic policy followed by the JEE. In matters of academic policy, the Court should hold its hands, and eschew interference, unless the policy is starkly discriminatory or otherwise unconstitutional for any reason. The Court cannot start tweaking academic policy or modulating the existing rules to suit individual candidates and the circumstances – perhaps unfortunate – in which they find themselves.



29. *For all these reasons, the Court regrets that it is in no position to come to the aid of the petitioner.”*

(emphasis supplied)

28. The facts of the present case are somewhat similar to the facts in *P. Nihal Srivastav* (supra). However, there are two differentiating features. One of the striking differences is that the petitioner in the present case has volunteered to give an undertaking that he will not rely upon the NTA score of Session I, which was not the case in *P. Nihal Srivastav* (supra). In case the petitioner’s NTA score of Session is excluded then, in light of the aforesaid decision, possibly there may not arise any confusion. This Court in the said decision has categorically held that such a confusion may not arise in case of a candidate who has not attempted Session I and is only attempting Session II and has been allowed to change his status from Non-PwD to PwD candidate.

29. Secondly, the petitioner has brought to the notice of this Court the Note 4.1 of Chapter 4 of the Information Bulletin 2025 issued by the respondent NTA, which was not considered in *P. Nihal Srivastav* (supra). Notes 4.1, 4.2 and 4.3 that are relevant are reproduced hereunder for ready reference:

Note - 4.1: The NTA does not guarantee any change in the category or sub-category (PwD/PwBD status) after the submission of the Online Application Form, and in any case, no change will be entertained by NTA after the declaration of NTA Score for JEE (Main) - 2025. The category/subcategory (PwD/PwBD status) entered in the JEE (Main) Database by the candidate will be used for the JEE (Advanced). Therefore, the candidates are advised to fill in the category/sub-category column very carefully.



Note - 4.2: *The extent of "specified disability" in a person shall be assessed in accordance with the "Guidelines for the purpose of assessing the extent of specified disability in a person included under the Rights of Persons with Disabilities Act, 2016.*

Note - 4.3: *Candidates must note that the benefit of reservation will be given to them subject to verification of documents. If it is discovered at any stage that a candidate has used a false/fake/incorrect document or has furnished false, incorrect or incomplete information, in order to avail the benefit of reservation, then such a candidate shall be excluded from all admission processes. In case such a candidate has already been given admission, the admission shall stand cancelled.*

(emphasis supplied)

30. A perusal of Note 4.1 shows that the candidate after having submitted online application form, does not have any right to change the category or sub-category (PwD/PwBD). However, the respondent/NTA has reserved a right to entertain the request for such change only before the declaration of NTA score for JEE (Main) 2025 which becomes plain by the use of words “... in any case, no change will be entertained by the NTA after the declaration of NTA score for JEE (Main)-2025.”

31. Clearly, it is within the discretion of the respondent/NTA to consider the request of the candidate to change the category and that too prior to the declaration of the NTA score for JEE (Main) 2025. The underlying rationale of such request not being entertained after the declaration of NTA score, as can be fairly deciphered, is that once a candidate knows his own as well as other candidates' score, then at that stage, benefit of changing the category would give him an unfair advantage over others.



32. This Court is cognizant of the legal position that rules are not to be tweaked to ameliorate the difficulties of an individual candidate. To borrow the words from **P. Nihal Srivastav** (supra) if any relaxation is required to be made, that relaxation has to find place in the rule. If Courts were permitted to tweak the rule to suit personal exigencies and deal with difficulties being faced by individual students, even if those difficulties are not attributable to any fault on the part of the students, it would result in total anarchy and may even result in formidable difficulties in assessing, compiling, and declaring the results.

33. It is also trite that the Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to the academic matters in preference to those formulated by a professional man professing technical expertise and rich experience of actual day-to-day working of educational institutions and the departments controlling them. Reference in this regard may be had to the decision of the Hon'ble Supreme Court in *Maharashtra State Board of Secondary and Higher Secondary Education & Anr. vs. Partiosh Bhupeshkumar Sheth and Ors., (1984) 4 SCC 27*. The relevant para 29 of the said decision which is relevant, reads thus:

“29. Far from advancing public interest and fair play to the other candidates in general, any such interpretation of the legal position would be wholly defeasive of the same. As has been repeatedly pointed out by this Court, the Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by professional men possessing technical expertise and rich experience of actual day-to-day working of educational



institutions and the departments controlling them. It will be wholly wrong for the Court to make a pedantic and purely idealistic approach to the problems of this nature, isolated from the actual realities and grass root problems involved in the working of the system and unmindful of the consequences which would emanate if a purely idealistic view as opposed to a pragmatic one were to be propounded. It is equally important that the Court should also, as far as possible, avoid any decision or interpretation of a statutory provision, rule or bye-law which would bring about the result of rendering the system unworkable in practice. It is unfortunate that this principle has not been adequately kept in mind by the High Court while deciding the instant case.”

(emphasis supplied)

34. It is equally 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.¹

35. In view of the above factual narration and enunciation of law, this Court is not inclined to impinge on the discretion of respondent/NTA and to direct the change of category of petitioner from General to PwD / PwBD.

36. However, considering the fact that - the petitioner has already made a representation to the respondent/NTA *vide* its email dated 02.04.2024 urging to change in his category/sub-category in the application submitted by him for JEE (Main) Examination 2025, prior to taking Session II exam; the respondent/NTA has discretion to entertain the request for change in the category or sub-category (PwD/PwBD status) before the declaration of NTA

¹ *Maharishi Dayanand University vs. Surjeet Kaur, (2010) 11 SCC 159*



Score for JEE (Main) – 2025 in terms of Note 4.1; and that the petitioner is ready to give an undertaking that he will not rely on the NTA score of Session I of the JEE (Main)-2025, this Court deems it appropriate to pass the following directions:

- (i) the respondent/NTA shall consider and pass a speaking order, disposing of the representation dated 02.04.2024 of the petitioner to change his category from General to PwD/PwBD, having regard to the Rules/Examination Protocol as stipulated in the Information Bulletin - 2025 of JEE (Main) and bearing in mind other operational issues, preferably before declaration of result of the Session II of the said exam.
- (ii) the petitioner shall give an undertaking to the effect that in the event his representation is favourably considered by the respondent/NTA, he will not rely upon the NTA score of Session I of JEE (Main) - 2025 examination for any purpose, whatsoever, to be filed by way of an affidavit in this Court within a period of three working days,
- (iii) the order so passed shall be communicated to the petitioner, within a period of one week from the date of the said order.

37. The petition stands disposed of in the above terms.

VIKAS MAHAJAN, J

APRIL 9, 2025/dss