

Court No. - 8

Case :- WRIT - C No. - 3253 of 2025

Petitioner :- Rida Fatima Khan And Others

Respondent :- Union Of India Thru. Secy., Deptt. Of Higher Education,
Ministry Of Education, New Delhi And Ors

Counsel for Petitioner :- Sabir Ali, Mohd. Islam Khan

Counsel for Respondent :- A.S.G.I., Shashank Bhasin

Hon'ble Jaspreet Singh, J.

1. A request was made by learned counsel for the petitioner Shri Sabir Ali that an urgent petition has been filed in the registry and as it relates to the Joint Entrance Examination (Main)-2025 which is to be held between 2.4.2025 to 8.4.2025 in different shifts, hence the matter may be taken up.

2. The Court has permitted the petition to be listed for the next day i.e. today 4.4.2025. In this backdrop, the petition has been placed before this Court today.

3. Heard learned counsel for the petitioner. Notice has been received on behalf of respondent no.1 by the office of Deputy Solicitor General of India. Shri Shashank Bhasin, learned counsel has accepted notice on behalf of respondent nos.2 and 3.

4. The petitioners have approached this Court

seeking the following reliefs :-

"a.). To issue a writ, order or direction in the nature of mandamus thereby commanding the opp. parties to allow the petitioners to appear in the Joint Entrance Examination (Main)-2025 Session 2 Scheduled to be held from 2.4.2025 to 8.4.2025 in different shifts, as the petitioners could not appear in the said examination which was scheduled to be held on 2.4.2025 in Second Shift 3PM to 6PM for petitioners but due to passing of the fleet of Hon'ble Chief Minister, U.P. at 1.30PM through Samta Mulak Chauraha Gomti Nagar, Lucknow approximately about 30 minutes traffic was closed and after reopening the road due to huge traffic jam the petitioners could not be reached at the examination centre Azad Technical Campus, Azad Puram Adjacent CRPF Camp. Post Chandrawal Via Banglabazaar Road, Bijnour, Lucknow till entry gate closing time i.e.2.30PM, however petitioners reached there at 2.35 PM but about five minutes late and they were not allowed to enter in the examination centre and the gate was not opened by the college administration in spite of humble request of the petitioners."

5. It is the case of the petitioners that the petitioner nos.1,2 and 3 had applied for the Joint Entrance Examination (Main)-2025 for Paper -I (B.E./B.Tech.) for Session-II for which the petitioners were issued the Admit Cards for

2.4.2025. It is the case of the petitioners that the examination was to be held in the second shift from 3.00 p.m. to 6.00 p.m. at the examination centre i.e. Azad Technical Campus, Azad Puram Adjacent CRPF Campus, Post Chandrawal Via Banglabazar Road, Bijnour, Lucknow. It is stated that on the give date, the petitioners had left their respective homes to appear in the test and while the petitioners are said to be at Samta Mulak Chowk, Gomti Nagar, Lucknow, there was a traffic jam on account of the passage of the fleet of the Chief Minister, the traffic otherwise had been stopped.

6. It is stated that all the three petitioners could not reach the examination centre in time. It is further stated that all the petitioners reached only around 2.35 p.m. and as such they were late by five minutes. They tried to contact the testing agency and requested them to permit the petitioners to appear in the examination but the same was denied to the petitioners. It has also been pointed out that since the examination is to be held between 2.4.2025 to 8.4.2025, hence the petitioners may be permitted to take the

examination on any other date between 4.4.2025 to 8.4.2025 as may be allowed by the Court.

7. Shri Bhasin learned counsel appearing on behalf of the respondent no.2 has pointed out that the examination of J.E.E. is done on PAN India basis. Lacs of students take the examination and there is a complete detailed instructions available on the net and on the Website of respondent no.2 for the candidates.

8. It is urged that as per Clause -5 of the instructions which is part of the important instructions relating to the year 2025 for the candidates, clearly indicates that the candidates are advised to reach the examination centre two hours before the commencement of the examination. It also indicates that in case for any reason including the traffic jam/train/bus late, if the candidates reach the examination centre late, then in such circumstances, respondent no.2 cannot hold a fresh examination. It is thus, the case of the respondents that even though the petitioners may have missed the examination but there is no provision nor any window available for

respondent no.2 to hold fresh examinations for all the petitioners, on a different date other than what was mentioned in the information and admit card of each petitioner.

9. In such circumstances, it is urged that an order directing the respondent no.2 to hold the examination may not be enforceable.

10. Having heard learned counsel for the parties and from perusal of the material, apparently the Admit card, a copy of which has been brought on record relating to three petitioners as Annexure Nos.1 to 3, respectively, clearly indicates that the timing for reporting at the examination centre is 1.00 p.m. It is also stated that the entry gate closing time of the center is mentioned as 2.30 p.m. In the given circumstances, it is apparently not correct to state that the petitioners were five minutes late as alleged that they reached at 2.35 p.m. whereas the petitioners were directed to report at the centre by 1.00 p.m. which is merely an advisory but it could not be said that in case if the petitioners arrive at the time other than 1.00 p.m., they would be treated to be late. However,

the question as to whether the petitioners reached at 2.35 p.m. or not or whether they were delayed on account of traffic jam, is a different issue.

11. The undisputed fact is that all the three petitioners who have tried to take a common ground but there is no averments that all three petitioners were either travelling together or were in the same traffic jam because all the three petitioners are residents of different locations and may not be coming or taking the same route for accessing the examination centres.

12. Apparently, there is nothing brought on record by the petitioners to indicate that there was any sort of window or exemption which may be granted to the petitioner. On the other hand, the instructions which are in the public domain and clear instructions to the candidates required them to take adequate protection to reach in time and it also indicates that in case of any traffic jam which may result in candidate reaching time at the examination centre, then the respondent no.2 cannot be compelled to take fresh examination.

13. The petitioners are seeking a relief of

mandamus which can only be issued once there is a legal right of the petitioners and its performance is the obligation of the respondents. In the aforesaid facts and circumstances, even though the Court may have sympathy for the petitioners for having missed their examination but the fact remains that in order to issue a writ of mandamus, there has to be a legal right and its consequential denial or refusal may permit the court to intervene and issue a direction. In the instant case even though the petitioners have the legal right to appear in the examination but the same is qualified as per the instructions issued by the testing agency which is within their domain. In case of breach of following the instructions and more particularly on reaching late on account of traffic jam, then the petitioners cannot seek re-examination on some other date nor there is any legal obligation of the respondent no.2.

14. Thus, this Court is unable to persuade itself to entertain the petition for the relief sought by the petitioners.

15. Accordingly, the petition is ***dismissed***. Costs

are made easy.

Order Date :- 4.4.2025

Shukla