HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 43756 of 2025

Shreya Pandey

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s) : Suraj Pandey
Counsel for Respondent(s) : Pratik Chandra, Vikas Mishra

Court No. - 37

HON'BLE VIVEK SARAN, J.

1. Pursuant to the order dated 8.1.2026, Sri Vikas Mishra, learned counsel for the respondent no. 3/Urmila Devi P.G. College, Rasar Baraut, Handia, Prayagraj (hereinafter referred to as 'the College), has filed a short counter affidavit after surviving a copy to Sri Pratik Chandra, learned counsel appearing for respondent no. 2, the same is taken on record.

2. Sri Pratik Chandra, learned counsel for the respondent no. 2/Professor Rajendra Singh (Rajju Bhaiya University) Prayagraj (hereinafter referred to as 'the University') has also provided written instructions under the signature of Deputy Registrar (Legal) of the University, the same are also taken on record.

3. Sri Suraj Pandey, learned counsel for the petitioner submitted that the petitioner had taken her admission in the College/respondent no. 3 in B.Sc. (Biology) Course for the academic session 2025-2026 and had deposited the fee in the College on 16.7.2025 and had pursued her study from there. However, she was not issued an admit card when the examination was published and thus she submitted a representation addressed to the Vice Chancellor of the University on 27.11.2025 through the Principal of the College. It transpires that her records could not be updated on the portal of the University although the candidature/application was there on the Portal in the draft form.

4. Sri Pratik Chandra who appears for the respondent no. 2/the University on the strength of the instructions obtained in the matter has submitted

that the record relating to the petitioner were not updated on the web portal i.e. 'Samarth Portal' within the prescribed date. He further submitted that the date for updation was also extended and web portal was again opened from 31.10.2025 to 1.11.2025. He further submitted that in absence of the petitioner's records available on 'the Samarth Portal, the University could not have issued an admit card.

5. Sri Vikash Mishra, learned counsel for the respondent no. 3/College submitted that there were large number of students whose records were not updated and for the same the College sent an information to the University on 27.10.2025, the copy of the same has been annexed as Annexure No. SCA-3 to the short counter affidavit. He further submitted that on said representation out of 30 students name of 25 students were updated but somehow the University failed to update the records of the petitioner and four others.

6. Heard learned counsel for the parties and perused the record.

7. The facts of the case which delineates are that the petitioner is a student of B.Sc.(Biology) first year at the College and her application on the Samarth Portal existed in draft form. Noticing the error, the College had made a representation dated 22.10.2025 (received on 27.10.2025) about 30 students whose records were not updated, including that of petitioner and thereafter records of 25 students was updated, but for the record of the petitioner and it is only due to lack of updation of record on 'Samarth Portal', the petitioner has been denied to appear in the examination held by the University and for which fault of the petitioner cannot be attributed.

8. Since it is clear from the submissions raised by the respective counsel for the parties that the University had knowledge of non-updation of records of the petitioner and moreover the same existed in draft form but it appears that the University authorities chose not to take any action. It is also not informed by the learned counsel for the University about any procedure which the University undertakes when such technical error comes in their knowledge or on being informed, as in the instant case.

9. This Court in ***Writ-A No. 14614 of 2025, Rahul Pandey vs. Union of***

India and three others has held that right to appear in examination is a fundamental right under Article 21 of the Constitution of India, the relevant paragraph is being quoted below:-

> *"Considering the facts and circumstances of the issue in question and also perusing the disability certified of the petitioner dated 25.08.2021 issued by the competent Medical Authority, Gorakhpur, U.P. wherein it has been indicated that disability of the petitioner is 80%, I find it appropriate that appropriate direction be issued on the compassionate ground so that the petitioner could appear in the examination in question inasmuch as appearing in the examination in question is a fundamental right guaranteed under Article 21 of the Constitution of India, which provides right to life. Right to life includes a dignified life and if any person qualifies any proper examination, his life would be better and that fellow would be able to live comfortably."*

10. The Hon'ble Delhi High Court in ***Re: Master Prabhnoor Singh Virdi (Minor Son) vs. Indian School And Another***, ***2023 SCC Online Del 202***, has also taken a similar stand by holding that not to allow the student to take examination would infringed the right of a child akin to right to life as guaranteed under Article 21 of the Constitution of India. The relevant paragraph is being quoted as below:-

> *"17. Education has been held to be essentially a charitable object, a kind of service to the community. Supreme Court in the case of T.M.A. Pai Foundation vs. State of Karnataka, 2002 SCC OnLine SC 1036 has held as follows: (SCC p: 533 para 20)*
>
> > *"20. Article 19(1)(g) employs four expressions viz. profession, occupation, trade and business. Their fields may overlap, but each of them does have a content of its own. Education is per se regarded as an activity that is charitable in nature (see State of Bombay v. R.M.D. Chamarbaugwala. Education has so far not been regarded as a trade or business where profit is the motive. Even if there is any doubt about whether education is a profession or not, it does appear that education will fall within the meaning of the expression "occupation". Article 19(1)(g) uses the four*

> *expressions so as to cover all activities of a citizen in respect of which income or profit is generated, and which can consequently be regulated under Article 19(6). In Webster's Third New International Dictionary, at p. 1650, "occupation" is, inter alia, defined as "an activity in which one engages" or "a craft, trade, profession or other means of earning a living"."*

18. Thus, a child cannot be made to suffer and not be allowed to attend classes or barred from taking examinations in the middle of an academic session on the ground of non-payment of fees. Education is the foundation, which shapes the future of a child and which in turn shapes the future of the society in general. Therefore, not allowing a student to take examinations, especially the Board Examinations, would be infringement of the rights of a child akin to Right to Life as guaranteed under Article 21 of the Constitution of India. Supreme Court has expanded the rights under Article 21 of Constitution of India and education is certainly one of the important rights which would be encompassed under right to life. In furtherance of the same, Article 21A of the Constitution of India provides for Right to Education, wherein the State has been ordained to provide free and compulsory education to all children of the age of 6 to 14 years.

19. Supreme Court in the case of Bandhua Mukti Morcha vs. Union of India and Ors., (1984) 3 SCC 161 has held as follows:

> *"10. ..... It is the fundamental right of everyone in this country, assured under the interpretation given to Article 21 by this Court in Francis Mullin case [Francis Coralie Mullin v. Administrator, UT of Delhi, (1981) 1 SCC 608 : 1981 SCC (Cri) 212] to live with human dignity, free from exploitation. This right to live with human dignity enshrined in Article 21 derives its life breath from the Directive Principles of State Policy and particularly clauses (e) and (f) of Article 39 and Articles 41 and 42 and at the least, therefore, it must include protection of the health and strength of workers, men and women, and of the tender age of children against abuse,*

> *Neutral Citation: 2023/DHC/000380 opportunities and facilities for children to develop in a healthy manner and in conditions of freedom and dignity, educational facilities, just and humane conditions of work and maternity relief. These are the minimum requirements which must exist in order to enable a person to live with human dignity and no State -- neither the Central Government nor any State Government -- has the right to take any action which will deprive a person of the enjoyment of these basic essentials. ...."*

> *20. A child's future cannot be allowed to be spoiled and blemished by barring him/ her from taking examinations, especially at such a crucial juncture. In the context of Indian Society, Class 10 th and Class 12th Board Examinations are vitally important and critical, having decisive repercussions and bearing on the future of a student."*

11. In view of the law as recognized above that appearing in examination is akin to right to live with human dignity enshrined in Article 21 of the Constitution and when the petitioner is not at fault, her future should not be jeopardized only on the technical lapses, as an interim measure the University is directed to hold special examination for the petitioner for B.Sc. (Biology) Ist Semester Course for academic session 2025-2026 within a period of two weeks from today and is further directed to publish the result within a reasonable period of time so that the petitioner may pursue her further studies.

12. It is further directed that University shall take all appropriate steps to get the records of the petitioner updated in their records within a reasonable period of time, so that the future of the petitioner is secured.

13. List on ***10.2.2026.***

14. Meanwhile, learned counsel for the respondent University shall file a counter affidavit bringing on record what is the procedure adopted by the University when an information about inability to update on the web portal is received by the University.

15. Registrar (Compliance) of this Court is directed to serve a copy of this

order to respondent no. 2/Registrar, Professor Rajendra Singh (Rajju Bhaiya University) Prayagraj within four days.

(Vivek Saran,J.)

January 12, 2026
Sushma