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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **W.P.(C) 5770/2026**  
**SHREYANSH JARWAL THROUGH HIS LEGAL GUARDIAN MR**  
**VIJAY SINGH MEENA** ....Petitioner

Through: Ms. Tanvi Dubey, Adv., Mr. Yash  
Dubey, Adv.

versus

**JOINT SEAT ALLOCATION AUTHORITY JOSAA & ORS.**

.....Respondents

Through: Mr. Arjun Mitra, Adv.

**CORAM:**

**HON'BLE MR. JUSTICE JASMEET SINGH**

**ORDER**

% **28.04.2026**

1. This is a writ petition filed under Article 226 of the Constitution of India seeking the following prayers:-

*“a. Issue an appropriate writ, order or direction, in the nature of mandamus, directing the Respondents to declare the Petitioner eligible to appear in JEE (Advanced) 2026;*

*b. Set aside the impugned rules & regulation whereby the Petitioner has been treated as ineligible on account of deemed acceptance of a seat under the counselling process;*

*c. Direct the Respondents to permit the Petitioner to register, participate and issue admit card in JEE (Advanced) 2026, where the registration process begins from 23.04.2026 till 02.05.2026 and any further*



*counselling process. ...”*

2. For the reasons stated in the petition, issue notice.
3. Mr. Mitra, learned counsel accepts notice on behalf of the respondent, seeks and is granted 2 weeks to file a reply.
4. Even though there is no application for interim relief, Ms. Dubey, learned counsel for the petitioner, orally requests for provisional direction in favour of the petitioner for issuance of the Admit Card and to appear in the JEE (Advance) Examination.
5. The brief facts of the case are that the petitioner appeared for JEE (Mains) in 2025 and subsequently became eligible to appear in JEE (Advance) 2025. Thereafter, the petitioner appeared for JEE (Advance) in May, 2025. In the counselling process conducted by the respondent, the petitioner duly registered on the JoSAA 2025 portal, paid his seat acceptance fee of Rs. 15,000/- and completed document verification.
6. During the counselling rounds the petitioner exercised the float option and was first allotted seat at IIT(ISM), Dhanbad. After several rounds of counselling process, in the fifth round, the petitioner was provided with an option of freeze or withdraw. The petitioner in good faith did not exercise the withdrawal option and waited for more desirable option. Subsequently, in the sixth round of counselling the petitioner was allotted a seat at IIT Guwahati in Engineering Physics and no option of freeze or withdraw was provided. The seat was automatically deemed accepted.
7. On 27.06.2025, the petitioner wrote an e-mail to IIT Guwahati seeking clarification regarding the internal branch changing process from Engineering Physics to Electronics and Communication Engineering (ECE). The email of 27.06.2025 was not responded to.



8. On 16.07.2025, the petitioner's seat at IIT Guwahati in Engineering Physics branch was locked. Immediately, the petitioner *vide* email dated 19.07.2026 addressed to IIT Guwahati, communicated his decision of not joining the Engineering Physics course at the said institute.

9. The petitioner wrote an email dated 12.10.2025 to JoSAA and IIT Kanpur (organizing institute of JEE Advance 2025) seeking clarification on his eligibility in JEE 2026. Subsequently, since the organizing institute for JEE Advance 2026 is IIT Roorkee, the petitioner has been writing to the said institute seeking to appear for JEE Advance 2026.

10. IIT Roorkee *vide* email dated 21.03.2026 informed to the petitioner that the criterion A5 strictly applies to the case of the petitioner and hence, the petitioner is not eligible to appear for JEE Advance 2026. The criterion A5 as mentioned in the JEE Advanced 2026 – Information Brochure which reads as under:-

***“(A) Eligibility Criteria for Indian Nationals and OCI/PIO (I)***

...

***Criterion A5 – Earlier admission at IITs***

*A candidate should NOT have been admitted to an IIT under any academic program that is listed in JoSAA Business Rules of 2025, irrespective of whether or not the candidate continued in the program OR accepted an IIT seat by reporting “online” / at a “reporting centre” in the past. Candidates whose admission to IITs was cancelled (for whatever reason) after joining any IIT are also NOT eligible to appear for JEE (Advanced) 2026.*



*Candidates who have been admitted to a preparatory course in any of the IITs for the first time in 2025 can appear in JEE (Advanced) 2026.*

*The candidates who were allocated a seat in an IIT through JoSAA 2025 but (i) did not report “online” / at any “reporting centre” OR, (ii) withdrew before the last round of seat allotment, OR, (iii) had their seat cancelled (for whatever reason) before the last round of seat allotment for IITs, are eligible to appear for JEE (Advanced) 2026.*

*However, in **all of the above cases**, the candidate is also required to fulfil the conditions mentioned from **Criterion A1 to Criterion A4.**”*

11. The issue raised in the present petition and for the Court to adjudicate is whether the petitioner by not reporting to IIT Guwahati falls within the exemptions in the last paragraph of criterion A5 and whether the petitioner can be permitted to appear in JEE Advance 2026.

12. The said issue will be decided as and when the counter-affidavit is filed by the respondent and final adjudication is made in the writ petition but in case the petitioner is not provisionally permitted to appear in JEE Advance 2026 to be conducted on 17.05.2026, the petition will become infructuous.

13. The petitioner is entitled only to two attempts at JEE Advance of which the petitioner has already exhausted the one opportunity in 2025.

14. Mr. Mitra, learned counsel, strongly relies on the judgment of **CBSE v. Sheena Peethambaran, (2003) 7 SCC 719** and more particularly on paragraph Nos. 6 and 7 which read as under:-



*“6. This Court has on several occasions earlier deprecated the practice of permitting the students to pursue their studies and to appear in the examination under the interim orders passed in the petitions. In most of such cases it is ultimately pleaded that since the course was over or the result had been declared, the matter deserves to be considered sympathetically. It results in very awkward and difficult situations. Rules stare straight into the face of the plea of sympathy and concessions, against the legal provisions. A few decisions on the point may be perused. In C.B.S.E. v. P. Sunil Kumar [(1998) 5 SCC 377] the institutions whose students were permitted to undertake the examination of the Central Board of Secondary Education were not affiliated to the Board, hence the students were not entitled to appear in the examination. They were, however, allowed to appear in the examination under the interim orders granted by the Court in contravention of the rules and regulations of the Board. The High Court considering the matter sympathetically had not interfered, but this Court observed thus: (SCC p. 381, para 4)*

*“But to permit students of an unaffiliated institution to appear at the examination conducted by the Board under orders of the Court and then to compel the Board to issue certificates in favour of those who have undertaken examination would tantamount to subversion of law and this Court will not be justified to sustain the orders issued by the High Court on misplaced sympathy in favour of the students.”*



*The order of the High Court was set aside. Another decision reported in *Guru Nanak Dev University v. Parminder Kr. Bansal* [(1993) 4 SCC 401], a three-Judge Bench decision, was relied upon in the case of *Sunil Kumar* [(1998) 5 SCC 377]. A passage from the abovenoted decision was also quoted therein which reads as follows: (SCC p. 403, para 7)*

*“We are afraid that this kind of administration of interlocutory remedies, more guided by sympathy quite often wholly misplaced, does no service to anyone. From the series of orders that keep coming before us in academic matters, we find that loose, ill-conceived sympathy masquerades as interlocutory justice exposing judicial discretion to the criticism of degenerating into private benevolence. This is subversive of academic discipline, or whatever is left of it, leading to serious impasse in academic life. Admissions cannot be ordered without regard to the eligibility of the candidates. Decisions on matters relevant to be taken into account at the interlocutory stage cannot be deferred or decided later when serious complications might ensue from the interim order itself. In the present case, the High Court was apparently moved by sympathy for the candidates than by an accurate assessment of even the prima facie legal position. Such orders cannot be allowed to stand. The courts should not embarrass academic authorities by themselves taking over their functions.”*



*Yet another decision referred to is reported in A.P. Christians Medical Educational Society v. Govt. of A.P. [(1986) 2 SCC 667], again a three-Judge Bench decision. It was observed in this case: (SCC p. 678, para 10)*

*“We cannot by our fiat direct the University to disobey the statute to which it owes its existence and the regulations made by the University itself. We cannot imagine anything more destructive of the rule of law than a direction by the court to disobey the laws.”*

*The above-referred matter relates to the admission and examination of MBBS courses.*

*7. In the background of the law as laid down by this Court, we find that in the case in hand the fact situation was even worse as compared to the decision cited above. The student, namely, Respondent 1 had failed to clear her Class IX examination which was a necessary requirement as provided under the bye-laws of the Board so as to be entitled to appear in Class X examination conducted by the Board. Despite notice, no one has put in appearance on behalf of Respondents 1 and 2 to indicate any fact or circumstance so as to take any different view. Condoning the lapses or overlooking the legal requirements in consideration of mere sympathy factor does not solve the problem, rather breeds more violations in the hope of being condoned. It disturbs the discipline of the system and ultimately, adversely affects the academic standards.”*

15. In this regard it is relevant to reproduce the Seat allotment Slip dated 16.07.2026 which reads as under:-



Joint Seat Allocation Authority 2025  
IITs, NITs, IIITs, IIST and Other-GFTIs for the Academic Year 2025-26  
Initial Seat Allotment Intimation Slip

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ANNEXURE: P-8

Personal Details				
JEE(Main) Application No.	250310077670	JEE(Advanced) Roll No.	252005278	
Candidate's Name	SHREYANSH JARWAL	Date of Birth	28-05-2008	
Gender	MALE	State of Eligibility	DELHI (NCT)	
Category	ST	Person with Disability (Benchmark PwD)	NO	
Nationality	INDIAN			
Rank(s)				
Rank List	JEE(Main) B.E./B. Tech.	JEE(Main) B.Arch.	JEE(Main) B.Planning	JEE(Advanced)
CRL Rank	365862	--	--	--
ST Rank	6167	--	--	1175
Allotment Details				
Round No.	6	Choice No.	20	
Institute	INDIAN INSTITUTE OF TECHNOLOGY GUWAHATI	Academic Program	ENGINEERING PHYSICS (4 YEARS, BACHELOR OF TECHNOLOGY)	
Allotted Seat Category	ST	Allotted Seat Quota	All India	
Allotted Seat Pool	GENDER-NEUTRAL	Allotment based on	JEE (ADVANCED)	
Rank used for Allotment	1175			

Dear Candidate,

Based on your rank, choices of programs and willingness for upgradation, your previous round seat has been retained as shown above.

1. No change in allotment.
2. Document verification status: Completed.
3. Visit JoSAA website (<https://josaa.nic.in>) for updates, if any.

**Important Instructions:**

1. Forged Documents: At the time of admission, if any of the uploaded documents is found to be forged or fake, then the allocated seat and the candidature will be canceled.
2. Original Document Verification: The final confirmation pertaining to your admission is subject to production of valid and original eligibility documents and their physical verification at the admitting institute. At any stage, if any of the documents is found to be invalid, the allotted seat and your candidature will be cancelled.
3. PwD Status Verification: Seat allocation to PwD candidates will remain provisional until a duly constituted Medical Board appropriately examines their PwD status at the Admitting Institute. The Medical Board at the Admitting Institute will assess the veracity of the candidate's PwD status after the physical examination or UDID Card Validation of the candidate as per the guidelines given in the Gazette notification GSR 591(E); dt: 15.07.2017.

Generated On: July 16, 2025 6:10 PM  
(Computer generated letter.)

JoSAA 2025

16. In the present case, even though the petitioner has reported online, a perusal of Clause No. 2 of the Important Instructions in the Initial Seat Allotment Intimation Slip shows that final confirmation pertaining to the admission is subject to production of valid and original eligibility documents and their physical verification at the admitting institute. The same has not been done in the present case. Therefore, the final confirmation of the seat of the petitioner was subject to the original document verification which had not been done in the present case.

*This is a digitally signed order.*

*The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.*

*The Order is downloaded from the DHC Server on 29/04/2026 at 19:10:56*



17. Hence, the petitioner has a *prima facie* case and the balance of convenience lies in favour of the petitioner. If the petitioner is not permitted to provisionally appear for the JEE Advance examination he shall suffer an irreparable loss as the said examination cannot be conducted again and the same will result in the loss of any other opportunity to the petitioner to appear again. In case, the Court after hearing the respondent is unable to agree to the contentions advanced by the petitioner, the writ petition can be dismissed and the exam taken by the petitioner on 17.05.2026 can be declared as null and void.

18. This Court has the highest regard for the judgments of the Hon'ble Supreme Court and the dictum laid down in *Sheena Peethambaran (Supra)*. However, my *prima facie* view in the facts of the present case is not a view based on ill conceived sympathy but for the reasons as stated above.

19. For the said reasons, the petitioner will be granted a ticket to appear for the proposed examination of JEE (Advance) 2026 to be held on 17.05.2026 in accordance with the schedule of the respondent and shall be allowed to provisionally appear in the said examination.

20. Let the pleadings be completed before the next date of hearing.

21. List the petition for final disposal on 25.05.2026 at 2:30 PM.

22. *Dasti*

**JASMEET SINGH, J**

**APRIL 28, 2026/AS**