

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

Writ Petition (Civil) No 326 of 2022

Nilesh Jha & Ors

.... Appellant(s)

Versus

Union of India & Ors

....Respondent(s)

ORDER

- 1 The petitioners have invoked the jurisdiction under Article 32 of the Constitution. They are candidates who appeared for the JEE (Advanced) entrance test in 2020 and 2021 after having cleared the JEE (Mains). Having exhausted both their attempts, they are now ineligible. They are aggrieved by a notification which has provided a limited exemption to three categories of students. These categories of students have been elucidated in the note submitted by Mr Devadatt Kamat, senior counsel appearing on behalf of the petitioners, which is extracted below:

“CATEGORY 1: Candidates who had cleared the JEE (Mains) 2021 and registered themselves for JEE (Advanced) 2021 and were absent in both the papers of JEE (Advanced) 2021.

CATEGORY 2: Candidates who appeared only once for JEE (Advanced) either in 2020 or 2021.

CATEGORY 3: Candidates who did not appear at all in any paper in both JEE (Advanced) 2020 and JEE (Advanced) 2021.”

- 2 Simply put, the plea of the petitioners is that the above exemption should be expanded to include the students such as the petitioners who appeared in the JEE (Advanced) entrance examination in 2020 and 2021.
- 3 It is a well-settled principle of law that an educational authority such as the respondent is not obliged to exempt everyone in order to exempt some persons from the rigours of a rule. Considering the impact of the pandemic, the exemption has been crafted so as to include a specific category of students, noted above.
- 4 In a similar situation, on 15 March 2021, a Bench of this Court in **Jajati Panda v Union of India**¹ observed as follows:

“In light of the conscious holistic decision taken by the expert body, it is not possible for us to give a second look to that decision. The authority in its affidavit has clearly stated that there would be cascading effect if any further concession is to be given.

Being a policy matter, and the decision being a conscious decision to avoid any discrimination likely to be caused to the aspirants in future examination, no interference is warranted in writ jurisdiction under Article 32 of the Constitution of India. Hence, these writ petitions are dismissed.”

- 5 Mr Devadatt Kamat submits that the order of this Court was in a different context. Be that as it may, the principle which has been laid down in the above order commends itself for acceptance.
- 6 The decision which has been made by the respondents falls within the domain of academic policy. This Court would not be inclined to interfere unless there is a manifest arbitrariness in the decision making process or in the decision. There is no arbitrariness here.

¹ Writ Petition (Civil) No 1349 of 2020

7 For the above reasons, we are not inclined to entertain the petition under Article
32 of the Constitution.

8 The petition is accordingly dismissed.

9 Pending application, if any, stands disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Surya Kant]

New Delhi;
May 13, 2022
-S-

ITEM NO.16

COURT NO.4

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).326/2022

NILESH JHA & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION)

Date : 13-05-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. Devadatt Kamat, Sr. Adv.
Mr. Sachin Sharma, AOR
Mr. Anil Kumar Gulati, Adv.
Mr. Rahul Gaur, Adv.
Ms. Nur Tandon, Adv.
Mr. Satyavarat Sharma, Adv.

For Respondent(s) Mr. Sonal Jain, AOR
Mr. Arjon Mitra, Adv.
Mr. Ishkaran Singh, Adv.
Ms. Kajal Sharma, Adv.

Mr. Rupesh Kumar, Adv.
Ms. Neelam Sharma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

- 1 The petition is dismissed in terms of the signed order.
- 2 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)