



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

HON'BLE SHRI JUSTICE SUBODH ABHYANKAR

&

HON'BLE SHRI JUSTICE ALOK AWASTHI

ON THE 10th OF JULY, 2026

WRIT APPEAL No. 723 of 2026

AKSHAT SHIVHARE

Versus

**UNION OF INDIA THROUGH SECRETARY MINISTRY OF
EDUCATION GOVERNMENT OF INDIA AND OTHERS**

Appearance:

Shri Anirudh Patwa - Advocate for the appellant.

*Shri Romesh Dave – Deputy Solicitor General for
respondents/Union of India.*

JUDEMENT

Per: Justice Subodh Abhyankar:-

1] Heard.

2] The present writ appeal has been preferred under Section 2(1) of the *Madhya Pradesh Uchcha Nyayalaya (Khand Nyayapeeth Ko Appeal) Adhiniyam, 2005*, assailing the order dated 28.10.2025 passed by the learned Single Judge in W.P. No. 29549 of 2025. By the impugned order, the writ petition filed by the appellant/petitioner seeking grant of compensatory marks has been dismissed on the



ground that while submitting the online application Form for JEE Advanced 2025, the petitioner had selected "No" in response to the columns indicating whether he required the services of a scribe and whether he sought the benefit of extra time during the examination.

3] Shorn of details, brief facts of the case are that the appellant/petitioner filed the aforesaid writ petition seeking the following reliefs:-

"7.1 That, this petition may kindly be allowed and a writ of mandamus may be issued directing respondents to award the petitioner four (4) compensatory marks in Chemistry Subject for regular rank list or two (2) compensatory marks in chemistry section for preparatory course rank in JEE Advanced 2025, and to recompute his aggregate score and rank accordingly, considering the lack of compensatory time and discrimination suffered in violation of the Act of 2016; and

7.2 That, directions may be issued to the respondents to allot the petitioner a PwD Preparatory or Regular seat at any IIT based on his revised merit position inclusive of the allotted compensatory marks; OR

7.3 That, a writ of mandamus may be issued directing respondents to allocate to the petitioner one (1) unfilled OBC-NCL-PwD reserved seat in any IIT to compensate the discrimination caused; OR

7.4 That, the respondents may be directed to allow the Petitioner to appear for JEE Advanced in the year 2026, by granting one additional attempt as a PwD candidate, even if he has already exhausted two attempts as per current norms; AND

7.5 That, respondents may be directed consider what steps could be taken to rectify the injustice caused to the petitioner within a period of one week;

7.6 That, direct the respondents to stringently implement binding, uniform guidelines mandating the grant of all reasonable accommodations under Act of 2016 (including scribes, compensatory time and other aids) to eligible PwD candidates in all examinations conducted under their respective jurisdictions.

7.7 Accord all consequential benefits thereafter;



7.8 Pass any other order as deemed fit and proper in the facts and circumstances of the case and allow cost in favour of the petitioner."

4] The grievance of the appellant/petitioner was that in the JEE Mains Exam, which took place in the month of April, 2025, he, despite being a certified person with disability (PwD candidate), was not granted compensatory time and accommodation, and the request in this regard was also declined by the invigilator at the examination centre. However, the appellant/petitioner got through the same and appeared for the JEE Advanced on 18.05.2025, and again he was denied compensatory time in both the papers 1 and 2 despite an explicit request to the invigilator. Thus, being aggrieved of the discriminatory treatment given to the appellant/petitioner, as the other PwD participants were granted extra time across India, the present petition has been filed. The appellant/petitioner's contention is that he scored 35 marks in total: 22 in Physics, 14 in Maths, (+6, -7) -1 in Chemistry. Missed preparatory rank by 2 marks and the IIT cutoff by 4 marks (Chemistry being the last section attempted without extra time).

5] Counsel for the appellant has vehemently argued before this Court and the attention of this Court has also been drawn to the Form, which the appellant was required to fill, namely, Step 1 of the Registration Form for JEE (Advanced) 2025, in which the questions, which have been asked are, firstly, "Are you a PwD Candidate?" and secondly; "Do you have disability and having difficulty in writing?"



(This is for persons having less than 40% disability and having difficulty in writing)”. Counsel has submitted that since the appellant was more than 40% disabled, hence, he was required to write that he is not a PwD candidate, and since he did not have difficulty in writing and this clause was for the persons having less than 40% disability and having difficulty in writing, the appellant had no option but to give his option as “No”, which has conveyed a meaning that the appellant does not have a disability and does not have any difficulty in writing. It is also submitted that the appellant is suffering from Obsessive Compulsive Disorder (OCD) and was not able to comprehend the said questions properly, and thus he also gave his answer as “No” to the questions “Are you a PwD candidate” and both the questions, viz., “Are you a PwD candidate?” and “Do you have disability and having difficulty in writing?” were answered by him as “No” due to confusion.

6] Counsel for the appellant has further submitted that although the JEE results have already been declared and the counselling is also over, but there are seats reserved as supernumerary seats on which the appellant/petitioner can be accommodated. It is also submitted that so far as the subject Chemistry is concerned, if the appellant/petitioner is given four compensatory marks in Chemistry in which he scored negative (-1), it would have enabled him to secure a regular rank. In support of his submissions, counsel for the appellant has relied upon certain



decisions rendered by the Supreme Court in the cases of **Vikas Kumar Vs. UPSC** reported as (2021) 5 SCC 370; **Prince Jaibir Singh Vs. Union of India & Ors.** reported as (2024) 11 SCC 793; and **Atul Kumar Vs. Chairman (Joint Seat Allocation Authority) and others** reported as 2024 SCC OnLine SC 2684.

7] The prayer is vehemently opposed by Shri Romesh Dave, learned Deputy Solicitor General for respondents/Union of India, and the attention of this Court has also been drawn to the information bulletin/brochure in which it is clearly provided that any person having a disability with at least 40%, is eligible for one hour compensatory time for each paper, he must, however, fill in the requisite form (Annexure-II: CERTIFICATE FORMATS) during registration for availing the compensatory time and/or availing the services of a scribe (amanuensis). Counsel has also drawn the attention of this Court to the Annexure – II Certificate Formats and has submitted that it was mandatory for the appellant/petitioner to submit the aforesaid Form to the concerned IIT, but no such application/Form was ever submitted by the appellant/petitioner in the proper format, and thus, there was no question of granting compensatory time to him, even assuming that he was a PwD candidate.

8] Having considered the rival submissions and perusal of the documents filed on record, we are of the considered opinion that it is too late in a day for the appellant/petitioner to contend that he was



deprived of his legal right to claim compensatory time, especially when he had answered both the questions in negative, i.e., “No” for the questions, viz., “Are you a PwD candidate?” and “Do you have disability and having difficulty in writing?”.

9] It is also found that it was mandatory for any PwD candidate applying for the compensatory time to send the letter in the proper format viz., Annexure –II CERTIFICATE FORMATS. However, admittedly, the appellant/petitioner did not submit the aforesaid letter also, and in such circumstances, in the absence of the proper format being submitted by the appellant/petitioner, if he was not given the additional/compensatory time by the invigilator in the examination hall, no fault can be found in the same.

10] In such circumstances, the reliance placed by the appellant/petitioner in the cases of **Vikas Kumar; Prince Jaibir Singh;** and **Atul Kumar (supra)** are of no avail to him. Accordingly, no fault is found in the finding recorded by the writ Court in passing the impugned order.

11] Resultantly, the appeal being devoid of merits, is hereby **dismissed.**

(SUBODH ABHYANKAR)
JUDGE

(ALOK AWASTHI)
JUDGE

