

**IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA**

**LPA No. 400 of 2026
Decided on : 15.07.2026**

Sharma Meenakshi Satishkumar

...Appellant

Versus

State of Himachal Pradesh and another

...Respondents

Coram

**The Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.
The Hon'ble Mr. Justice Bipin C. Negi, Judge.**

Whether approved for reporting?¹

For the appellant : Mr. S.D. Gill, Advocate.

For the respondents : Mr. Rakesh Dhaulta, Additional
Advocate General, for respondent
No.1.

Mr. Vishwajeet Singh, Advocate,
for respondent No.2.

G.S. Sandhawalia, Chief Justice (Oral)

Consideration is sought of the judgment passed
by the learned Single Judge in ***Civil Writ Petition No. 9702
of 2026***, titled as ***Sharma Meenakshi Satishkumar Vs.
State of Himachal Pradesh and another***, dated
18.06.2026, by the present appellant, whereby her writ
petition was dismissed.

2. The prayer as such, in sum and substance, in the
writ petition was that the petitioner was seeking the benefit of

¹ Whether reporters of the local papers may be allowed to see the judgment?

rounding off the marks obtained in B.Com. from 44.89% to 45%, keeping in view the minimum required eligibility criteria for the post of the T.G.T (Arts), which was advertised vide Advertisement No.01/2025, dated 27.05.2025.

3. The learned Single Judge had dismissed the writ petition on the ground that there was no provision as such, in the Recruitment and Promotion Rules for rounding off the marks and relied upon the judgment of the Hon'ble Apex Court passed in ***Orissa Public Service Commission and another Vs. Rupashree Chowdhary and another, (2011) 8 Supreme Court Cases 108.***

4. Thus, it was held that in the absence of any provision for rounding off or to grant grace marks, the Authority had rightly refused to treat 44.89% marks equal to 45% marks and, therefore, the minimum eligibility criteria had not been fulfilled by the petitioner and she was disqualified from participating in the recruitment process and her name could not be included in the final merit list.

5. Reliance had also been placed upon Annexure P-11, which is the extract of prospectus of a College and Himachal Pradesh University, for the grant of admission,

where the benefit of rounding off was given, which argument has again been stressed herein by the counsel for the appellant.

6. We are of the considered opinion that it is a separate benefit which had been granted by the University in the admission process and it has nothing to do with the selection process in terms of the Advertisement (Annexure P-8), for which the appellant had applied with open eyes.

7. Having not obtained the requisite marks, as per the minimum essential qualification, as per the R&P Rules, which was specified in the advertisement itself, the petitioner now having applied for the said post, can have no vested right as such, to seek necessary directions contrary to the R&P Rules. Merely, because she was permitted to sit in the examination as such, could not vest any unfettered right upon her to be included in the final merit list, as she was not fulfilling the requisite criteria and, therefore, is not in a position to pray for a mandamus, which is against the Statute.

8. Reliance placed by counsel for the appellant upon the judgment passed by the Apex Court in **Neeraj**

Kumar Rai and others Vs. State of U.P. and others, AIR 2017 SC 3545, does not apply to the present case, since it was a case of concession *inter-se* the parties.

9. The judgment passed in ***Orissa Public Service Commission (supra)***, squarely applies to the facts and circumstances of this case, where the High Court as such, had granted the benefit of rounding off marks to the persons who had got marks 44.5%. Resultantly, it was held by the Apex Court that there was no power provided in the statute/Rules permitting any such rounding off or giving grace marks. The Rules being statutory in nature, no dilution or amendment to such Rules was permissible.

10. in the aforesaid judgment, reliance was also placed by the Apex Court upon its earlier judgment passed in ***Vizianagaram Social Welfare Residential School Society Vs. M. Tripura Sundari Devi, (1990) 3 Supreme Court Cases 655***, to point out that there were such similar candidates who had not even applied for the post because they did not possess the qualifications mentioned in the advertisement. Merely, because the appellant herein, had applied for the said post despite being aware that she was

not eligible, cannot place her on a higher pedestal from those who had similar or even better qualifications than the appellant.

11. Resultantly, we do not find any ground to interfere with the well reasoned judgment of the learned Single Judge, therefore, the present appeal, is dismissed. Pending miscellaneous application(s), if any, also stand disposed of accordingly.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

July 15, 2026
(Shivank Thakur)