

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

WP(C).No. 34383 of 2009 (P)

PETITIONER(S):

**ANIL RAJ C.P.
S/O. K. CHANDRASENA PRASAD,
RESIDING AT SIVA SAKTHI, 30 A-N.V.NAGAR
PEROORKADA P.O., THIRUVANANTHAPURAM-5.**

BY ADV. SRI.P.N.MOHANAN

RESPONDENTS:

- 1. MAHATMA GANDHI UNIVERSITY
REPRESENTED BY ITS REGISTRAR,
PRIYADARSINI HILLS, ATHIRAMPUZHA, KOTTAYAM.**
- 2. THE CONTROLLER OF EXAMINATION,
MAHATMA GANDHI UNIVERSITY, PRIYADARSINI HILLS
ATHIRAMPUZHA, KOTTAYAM.**
- 3. THE DIRECTOR,
THE SCHOOL OF INDIAN LEGAL THOUGHT
SURYAKALADY HILLS, NATTASSERY, S.H.MOUNT P.O.
KOTTAYAM-686 006.**

**R1 TO 3 BY ADVS. SRI.VARUGHESE M.EASO, SC, M.G. UNIVERSITY
SRI.VIVEK VARGHESE P.J., SC, M.G. UNIVERSITY**

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

AMG

APPENDIX

PETITIONERS' EXHIBITS

- EXT- P1- TRUE COPY OF THE ADMISSION BROCHURE FOR THE SCHOOL OF M.G. UNIVERSITY FOR 2007-2008.
- EXT- P2- TRUE COPY OF THE REGULATION ISSUED BY THE 1ST RESPONDENT.
- EXT- P3- TRUE COPY OF THE REVISED REGULATION FOR LL.M DECREE COURSE FROM THE ACADEMIC YEAR 2006-2007
- EXT- P4- TRUE COPY OF THE UNIVERSITY ISSUED FOR A FORMULA SHOWING THE CONVERSION OF THE GRADES INTO MARK PERCENTAGE.
- EXT- P5- TRUE COPY OF THE STATEMENT OF GRADES DATED 28-07-2008 ISSUED TO THE PETITIONER.
- EXT- P6- TRUE COPY OF THE STATEMENT OF GRADES (IMPROVED) DATED 17-08-2009 ISSUED TO THE PETITIONER.
- EXT- P7- TRUE COPY OF THE STATEMENT OF GRADES DATED 17-08-2009 ISSUED TO THE PETITIONER.
- EXT- P8- TRUE COPY OF THE STATEMENT OF GRADES DATED 23-07-2009 ISSUED TO THE PETITIONER.
- EXT- P9- TRUE COPY OF THE STATEMENT OF GRADES DATED 15-09-2009 ISSUED TO THE PETITIONER.
- EXT- P10- TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER.
- EXT- P11- TRUE COPY OF THE RECEIPT DATED 04-11-2009.
- EXT- P12- TRUE COPY OF THE COVERING LETTER AND REPLY DATED 25-11-2013.
- EXT- P13- TRUE COPY OF THE RTI APPLICATION AND REPLY DATED 18-02-2014.

RESPONDENTS' EXHIBITS.

- EXT- R2 (a) - TRUE COPY OF THE JUDGMENT DATED 24-07-2009 IN WPC No.31619/2006 OF THIS HON'BLE COURT.
- EXT- R2 (b) - TRUE COPY OF THE JUDGMENT DATED 12-06-2014 IN WPC No.10140/2014 OF THIS HON'BLE COURT.

True copy

P.A. To Judge

AMG

C.K. ABDUL REHIM, J.

W.P.(c) No. 34383 OF 2009-P

DATED THIS THE 18th DAY OF FEBRUARY, 2015.

J U D G M E N T

The petitioner was a student of L.L.M course in the 3rd respondent institution which is under the 1st respondent University, during the academic year 2007-08, 2008-09. Exhibit P1 is the 'Admission Brochure' of the 1st respondent University for the year concerned. The University was following 'Grade and Semester System' with respect to the course in question. Exhibit P2 is the Regulations governing the course, which provides functional autonomy and the 'Grade and Semester System' in the University with respect to course in question and other similar courses. Exhibit P3 is the Regulations framed exclusively with respect to the L.L.M. Degree course, with effect from the academic year 2006-07. The petitioner appeared for all the 4 semester examinations conducted by the 1st respondent University and Exts.P5 to P9 are the statement of Grades issued with respect to each of the semester examinations. The 'Cumulative Grade Point Average' (CGPA) acquired by the

petitioner while computing the 'Semester Grade Average Point (SGAP)' of all the examinations was 5.44. Exhibit P4 is the copy of a formula adopted by the University for the purpose of conversion of mark percentage equivalence, Since the petitioner had secured only 49 percentage, he was allotted CGPA at 5.44 numeric point, which is equivalent to the letter grade 'B'. Since the minimum CGPA fixed under Ext. P2 Regulation is 5.5, the petitioner was not qualified for further studies or for admission to courses like M.Phil in law. In this writ petition the petitioner is challenging Exts.P2, P3 & P4 seeking a declaration to the effect that the petitioner is treated as passed on his securing 5.44 CGPA. Inter alia, the petitioner is seeking a declaration to the effect of nullifying provisions contained in Ext.P2 Regulations which is insisting on the minimum graduating CGPA of 5.5 for LL.M course. The petitioner had also sought for a direction to the University for conducting revaluation of the answer scripts of the petitioner, based on Ext.P10 application submitted by him.

2. Main contention of the petitioner is that Ext.P3 Regulations has not specified the minimum grade point or corresponding percentage of mark required for pass in the LL.M Degree course. It is contended that the authorities of the University are expected to reveal to the students about the minimum marks required for pass, at the time of joining for the course itself. Further contention is that, the conversion table produced as Ext.P4 will not reconcile with Exts.P3 & P5 Regulations, to the extent it has not strictly followed the grade system on a 10 point scale. For a better appreciation of the contention it is necessary to have a scanning of the relevant Regulations in Ext.P3. Regulation 10 deals with the grading system, which says that the system followed is that of relative grading on a 10-point scale. The performance range and the relative value of the grades (grade point) is tabulated under the said Regulation. It also provides that the method of calculation of weighed average of numerical value (grade point) obtained in the semester examination and as to how the Cumulative Performance Index (CPI) has to be calculated. Regulation

11 specifically provides about the percentage of equivalence of the grades. It illustrates as to how the percentage of mark awarded should be converted into grades by following the formula. Going by the said formula tabulated in Regulation 11, marks below 40 percentage will be equated with grade 'F', which corresponds with no grade points. Marks above 40% and below 45% will be equated with grade 'B minus-', which corresponds to 4 grade points. So also marks above 45 but below 55% will be converted into grade point 'B', which corresponds to grade point of 5. Marks of 55% above but below 65% will be converted as 'B plus', which corresponds with 6 grade points. Petitioner points out that while formulating Ext.P4 Regulation for conversion of grade point and percentage equivalence the 10 point scale system was not strictly followed. It is illustrated that upto 5.0 grade points equivalent marks were computed only at 0.2 intervals, where as from 5.0 grade points onwards 0.1 grade point is computed for every 1% of marks. Learned counsel for the petitioner contended that if the conversion table would have been uniformly adopted

with respect to conversion of equivalent percentage of marks as 0.1 grade for 1% each, the marks secured by the petitioner would have placed him with a better grade point above the prescribed minimum of 5.5, which will be considered as pass in the course. It is contended that Ext.P4 method of conversion was not published at any point of time during the period of the course and the method of conversion adopted by the University was not made known to the students. Hence the petitioner is attacking Ext.P4 and on that basis seeking relief as mentioned above.

3. The position has been explained by the University in a reply given to the petitioner under the Right to Information Act, copy of which is produced as Ext.P13. In Ext.P13 it is mentioned that as per Regulation 11 of Ext.P3, if a student scoring 40% and above but below 45%, the equivalent grade will be 'B minus', which corresponds to grade point of 4. Similarly if a student score above 45% but below 55% the equivalent grade will be 'B', which corresponds to grade point of 5. Therefore it is evident that the grade point increases by 0.2 points for each one

percentage increase. Therefore in Ext.P4 it is shown that 40% is equivalent to grade point 4 and 41% is equivalent grade 4.2 and 42% is equivalent grade 4.4, and so on. It is explained that it can be easily inferred that grade 4.1 will corresponds to 40.5% and grade 4.3 will corresponds to 41.5% etc. It is clarified that only from 45% onwards the grade point will increase by 0.1 point for each 1% increase.

4. In view of the explanation mentioned as above, the question to be considered as to whether there is any deviation in the system of conversion of marks into grade adopted by the University in Ext.P4 from which is provided in the Regulations contained in Ext.P2 or P3. As illustrated above, the conversion table is in no manner contradictory to Regulation 11 provided in Ext.P3. Exhibits P2 & P3 are the Regulations which were in force at the time when the petitioner had joined for the course and when he had pursued the studies and appeared for the examination. Merely because the tabulated conversion details were not published by the University it cannot be contended that there occurred any deviation from the Regulations

formulated with respect to the course in question. The petitioner having completed the course and attended the semester examinations cannot turn around and challenge the Regulations at this point of time.

5. It is pertinent to note that an identical issue was already considered by this court in W.P (c) No.10140/2014. A copy of the judgment in the said case is produced as Exts.R2 (b) along with the additional counter affidavit filed by the University. The stipulation of 5.5 grade point contained in Ext.P2 for the course in question was upheld by this court and all contentions raised based on Ext.P4 conversion table has already been negatived.

6. Under the above mentioned circumstances, this court do not find any merit in the contention raised, for considering the grant of relief as prayed for in this writ petition. Resultantly, the writ petition fails and the same is hereby dismissed.

Sd/-

C.K. ABDUL REHIM, JUDGE.

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P.A. to Judge