

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.15143 of 2015

Date of Decision:04.07.2016

Jatin Dhir

.....Petitioner

Vs.

Panjab University and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Pankaj Maini, Advocate for the petitioner.

Mr. Ravi Chadda, Advocate for the respondents.

RAKESH KUMAR JAIN, J.(Oral)

The petitioner has made a prayer to grant benefit of grace marks upto 1% of the aggregate marks as per Rule 28.1(a) of the Panjab University Calendar, Volume II, 2007 to enable him to pass some of the papers of Ist, 3rd 4th and 6th semester. The petitioner is a student of BA.LLB (Hons.) Five Year Integrated Course in the University Institute of Legal Studies since 2011. He appeared in the first semester examination in November, 2011 (full subjects) and cleared only two papers out of 6 papers. His result was declared as re-appear in Paper-3, 4, 5 and 6. Thereafter, he applied for the re-evaluation in which he cleared Paper-3 but still got reappear in Paper-4, 5 and 6. He appeared in the compartment examination of Ist Semester in November, 2012 and cleared 5 papers out of 6 and got re-appear in Paper 5 i.e. Law of Torts. He also appeared in the 3rd semester examination November, 2012 and cleared 3 papers out of 6 and got reappear in 3. He appeared in the 4th semester examination in April, 2013 and cleared

5 papers out of 6 and got reappear in paper 5. Then petitioner appeared in the 6th semester examination in April, 2014 and cleared 4 papers out of 6 and got reappear in paper-3 i.e. IPC and Paper-6 i.e. Land Law and Rent Law. The petitioner again appeared for Paper-5 i.e. Law of Torts of Ist Semester in December, 2014 and could not clear the same. The petitioner has relied upon Rule

28.1(a) of Chapter III of Panjab University Calendar Vol. II, 2007. The said rule is reproduced as under:-

“28.1. (a) A candidate who appears in all subjects of an examination and who fails in one or more subjects (written, practical, sessional or viva voce) and/or the aggregate (if there is a separate requirement of passing on the aggregate) shall be given grace marks up to the maximum of 1 per cent of the total aggregate marks (excluding marks for internal assessment) to make up the deficiency, if by such addition the candidate can pass the examination. While awarding grace marks fraction working to ½ or more will be rounded to a whole.”

Explanation to Rule 3, of the Regulations, of the Handbook of Information, 2013, further provided as under:-

“Rule 3 Explanation:

A student shall be considered as pass in a paper if she/he has secured 45% marks in internal assessment and theory paper jointly. However, the student has to submit the written Project Report/ Moot Memorial/ Term paper, as the case may be, personally by the date stipulated. Only then the student shall

be allowed to make presentation or participate in Viva-Voce or Group Discussion, as the case may be.”

The petitioner is claiming grace marks in Paper-5, i.e. Law of Torts of the 1st semester in which he had appeared in November, 2012. The decision of the Syndicate regarding amended Rule 3 was directed to be implemented for the session 2013-14 onwards, i.e. from November, 2013 examinations. Therefore, the petitioner is not entitled to the grace marks for the said semester retrospectively from November, 2012. The petitioner otherwise also has not qualified Paper 5 i.e. Law of Torts in the first semester for which he cannot claim the benefit of grant of grace marks as per Rule 28.1(3) of the Handbook of Information, 2013 by just reappearing and failing again in December, 2014 examination.

Counsel for the petitioner has been fair to concede that rule does not help the petitioner but prayed for concession for the petitioner being a handicapped student.

On the other hand, counsel for the respondent has submitted that the award of grace marks is already a concession. There is no other provision in the Rules for further concession and it is also submitted that the judgment relied upon by the petitioner rendered by this Court in CWP No.4749 of 2015 – Suksham Malhotra v. Panjab University and others decided on 1.4.2015 is also not applicable.

I have heard learned counsel for the parties and perused the record. The academic record of the petitioner is such that no relief can be granted to him especially when Rule 3 of the Handbook of Information, which was amended by the Syndicate on 18.5.2014 cannot be made

applicable from the back date. The question of the grant of grace marks cannot be stretched too far against the provisions of the regulations/law. Consequently, looking from any angle, no benefit can be granted to the petitioner. Hence, the petition is hereby dismissed.

July 04, 2016
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(RAKESH KUMAR JAIN)
JUDGE