

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

Civil Writ Petition No.14279 of 2016

Date of decision: 9.9.2016

Ritu Kumari

...Petitioner

Versus

Maharishi Dayanand University, Rohtak and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Shashi Kumar Yadav, Advocate for the petitioner.

Mr. Amit Rao, Advocate for respondents no.1 and 2.

Mr. Rohit Arya, Assistant Advocate General, Haryana.

G.S.SANDHAWALIA, J. (Oral)

Short reply on behalf of respondents no.1 and 2 and written statement on behalf of respondent no.3 have been filed in Court today.

The same are taken on record.

The petitioner seeks quashing of order dated 5.2.2016 (Annexure P/5) passed by respondent no.2 whereby the respondent-University has declined to rectify/revise the mistake done by respondent no.3-college while uploading the internal assessment marks of the petitioner on the ground that the internal assessment awards once uploaded online by the college cannot be revised/rectified.

The case of the petitioner is that she was a student of the Government PG College, Narnaul and was shown to have been given one mark in the internal assessment in the subject of CH114-General Spectroscopy while doing the course of M.Sc. Ist Semester (Chemistry) against Roll No.9112226. Resultantly, her result had been shown as re-

appear vide Detailed Marks Card (Annexure P/1). The duplicate copy of inter assessment was obtained where it was shown that she had in fact secured 11 marks and thus the request was made for rectification which had been declined.

In the written statement filed by the respondent-University, the said decision has been defended by placing reliance upon Annexure R/2/1 on the ground that as per Rules of award of Internal Assessment for P.G. courses, the head-wise details of the internal assessment awards of each paper are to be displayed on the Notice Board at least 10 days before the commencement of the final University examination to give an opportunity to the students to make representation, if any. The candidates who have obtained less than 40% marks in the internal assessment in any paper(s) were to be given an opportunity to appear before the Committee.

The respondent no.3-College has admitted that there was a mistake and only one mark had been entered instead of 11 marks at the time of on line uploading the result of internal assessment of award list on the website of respondent-University. The request had been made for rectification on 13.7.2015 (Annexure P/3) and vide letter dated 9.11.2015 (Annexure P/4). It has also been averred that the service of the Clerk in question who was serving on contract basis had been terminated and he was no longer in service.

Thus, from the above facts, it is apparent that the petitioner has been prejudiced on account of wrongly uploading the internal assessment marks. It is not disputed that she had got 11 marks in the internal assessment of the paper in question. In such circumstances, reliance upon Annexure R/2/1 would not be applicable as only those candidates who had

got less than 40% marks were required to make representation against the same. In the present case, the petitioner came to know only on issuance of Detailed Marks Card (Annexure P/1) that she got 1 mark of internal assessment in the subject of CH114-General Spectroscopy and was not required to make any representation as she had no grouse at that point of time.

In such circumstances, the decision of the respondent-University in not granting 11 marks in subject of CH114-General Spectroscopy cannot be held to be justified.

Accordingly, the present writ petition is allowed. Order dated 5.2.2016 (Annexure P/5) is quashed. Respondent-University is directed to issue fresh Detailed Marks Card after granting 11 marks of internal assessment in subject of CH114-General Spectroscopy within a period of 10 days from the date of receipt of certified copy of this order.

September 09, 2016
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No