

(273) RA No.291 of 2016 in CWP No.808 of 2016

Manjinder Kaur Vs. State of Punjab and others

Present: Mr. P.S. Sekhon, Advocate for the applicant.

Mr. Ashish Rawal, Advocate for respondent No.2.

This application is filed for recalling of the order dated 11.4.2016 passed by this Court. In brief, the petitioner applied for MBBS course. The petitioner could not get admission in the MBBS Course because she did not secure 50% marks in Physics, Chemistry and Biology, in 10+2 examination, as her score was only 49.66%. The writ petition was dismissed by this Court on the ground that there is no scope for rounding of the marks to make it 50%. The petitioner filed LPA No.1143 of 2016 in which she had submitted that she has secured 6 marks in the improvement exam, therefore, she has crossed the barrier of 50% marks and is eligible for admission. Consequently, the present application has been filed for recalling of the order passed in the writ petition as liberty was granted to the petitioner by the appellate Court to seek further relief from the Single Judge.

Counsel for the petitioner has submitted that the petitioner has now got 50% in all and thus the order passed by this Court dismissing her writ petition may be recalled.

Counsel for the respondent has submitted that it is not the case that the petitioner has got 6 marks after re-evaluation in the paper of Biology rather the petitioner has reappeared for improvement in the said subject and, hence, the marks obtained after re-appearance would not relate back to her original result.

I have heard learned counsel for the parties and after examining the available record, am of the considered opinion that had it been a case of re-evaluation in the original examination taken in the subject of Biology in which the petitioner might have got more marks then the matter would have been different because it would have related back to the original examination but it is a case where the petitioner had obtained more marks in the improvement examination. The said examination cannot be of any benefit to the petitioner.

Counsel for the petitioner was given time by this Court on 24.10.2016 on his request to cite law in this regard but he has failed to cite anything in support of his contention.

In view of the aforesaid, I do not find any merit in the present application.

Dismissed.

**(RAKESH KUMAR JAIN)
JUDGE**

**25.10.2016
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