

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

**CWP No.3140 of 2017 (O&M)
Date of decision: 20.02.2017**

Harsimran Kaur

.... Petitioner

Vs.

State of Punjab & ors.

.... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. M.K.Singla, Advocate
for the petitioner.

Mr. K.S.Sandhu, Advocate
for the respondents.

RAJIV NARAIN RAINA, J. (ORAL)

Mr. Anupam Gupta, Sr. Advocate has sent word through his associate counsel Mr. K.S.Sandhu, Advocate to make a statement before this Court that in the regulations of Baba Farid University of Health Sciences, Faridkot, there is no provision for award of grace marks or for rounding off marks to the nearest round figure.

The petitioner has secured 49.66% marks in Physics, Chemistry and Biology [PCB] in the 10+2 examination. If the rounding-off principle does not apply, then 49.66% marks cannot be converted to read as 50% by a Court direction to make the petitioner eligible for admission to the BDS course and a writ of mandamus will be refused. It may be noted that the National Dental College, Derabassi granted provisional admission to the petitioner but on verification of documents/certificates the University cancelled the candidature of the petitioner because she had not met the

minimum criteria of qualifying the 10+2 exam with 50% marks in the subjects PCB when the returns were received from the college for scrutiny. The Scrutiny Committee on discovery rejected the admission.

On confirmation from senior counsel for the University that there is no provision of awarding grace marks at entry level therefore, I do not find any reason to entertain this writ petition in the writ jurisdiction under Article 226 of the Constitution of India.

Accordingly, the present petition is dismissed.

Nevertheless, since the petitioner has no remedy available before the Writ Court, she may take such other measures as are available to her in law for refund of her deposited fee etc. The petitioner is at liberty to approach the University or the National Dental College, Derabassi which made the admission to BDS course with a representation and in case the rules permit, the money deposited with them will be considered to be refunded to the petitioner in accordance with law. If the petitioner makes such a representation, I have no doubt that the University would pass appropriate order within a period of one month and convey the same to the petitioner. If the petitioner desires hearing, then it shall be granted by the University and College. This order will not preclude the petitioner from challenging the order/s as may be passed adverse to her interest in the proper forum, if advised.

(RAJIV NARAIN RAINA)
JUDGE

20.02.2017

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1. Whether speaking/reasoned?

Yes

2. Whether reportable?

No