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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5224/2017, CM Nos. 22196/2017 & 22235/2017

HRITIK CHAWLA Petitioner

Through Mr. Pawan Bindra and Ms. Kaveeta
Wadia, Advocates

versus

MODERN SCHOOL BARAKHAMBA AND ANR. Respondents

Through Mr. Kamal Mehta, Advocate for R-1
Mr. Amit Bansal and Ms. Seema Dolo,
Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE G.S.SISTANI

ORDER

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05.06.2017

The petitioner is a student of Class XI. He has not been promoted to Class XII as he was unable to secure the minimum marks prescribed in the subject 'Business Studies' but the counsel for the petitioner submits that as per the promotion Rules, more particularly Rule 35, the petitioner would be entitled to 5 grace marks. Mr. Mehta, learned counsel appearing for the school submits that initially the student was unsuccessful in two subjects i.e. 'Accountancy' and 'Business Studies'. He submits that the school took a lenient view of the matter, he was granted grace marks in 'Accountancy' and in 'Business Studies' he was asked to reappear. However, despite an opportunity to reappear the student could not clear the examination.

After some hearing Mr. Bindra, learned counsel for the petitioner submits that the writ petition may be disposed of with a direction to the school to consider the case of the petitioner sympathetically and in the light of Rule 35 of the Promotion Rules. Mr. Mehta, learned counsel for respondent no.1 submits

that in case a representation is made with all supporting documents, the school will consider the representation of the petitioner within 14 days of the receipt of the same. The petition is disposed of in above terms.

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Applications stand disposed of in view of the order passed in the writ petition.

A copy of the order be given *dasti* to the parties under the signatures of Court Master/Private Secretary.

**G.S.SISTANI, J.
(VACATION JUDGE)**

JUNE 05, 2017
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