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

+ LPA 617/2017, CM APPL.34097-34098/2017

GAURAV KATHURIA Appellant
Through: Mr. Sandeep Bajaj with Ms. Aakanksha
Nehra and Mr. Naman Tandon, Advocates.

versus

CBSE Respondent
Through: Mr. Atul Kumar, Adv. for CBSE.

CORAM:
HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE SUNIL GAUR

% **ORDER**
18.09.2017

The petitioner is aggrieved by an order of the learned Single Judge which had declined to grant the relief to direct revaluation of his answer script. It is contended that the petitioner's marks in an earlier result was marginally revised pursuant to the exercise of revaluation. Learned counsel highlighted that in respect of certain questions, marks awarded were manifestly on the lower side. To illustrate, he relied upon the marking in respect of answer to question no.23 and compared the text book solution which the students were required to address themselves. According to the counsel, the marks awarded to the petitioner, i.e., 4 out of 6 was on a much lower scale and could have been at least 1 mark if not 2 more.

The learned Single Judge considered the pleadings and relied upon the authorities to say that the inherent limitations of judicial review jurisdiction under Article 226 of the Constitution of India preclude an examination of the merits of such disputes, i.e., in the present case the qualitative scrutiny of the marking choice of the examiner. Such conclusion cannot be found unreasonable so as to warrant a correction in Letters Patent Appeal by the Division Bench; the appeal is, therefore, dismissed along with pending applications.

S. RAVINDRA BHAT, J

SUNIL GAUR, J

SEPTEMBER 18, 2017

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