

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2205 of 2018**

- Ghananjali Janghel S/o Tekram Janghel Aged About 20 Years R/o Jai Hind Chowk Kampa Lodhi Para, Raipur, District- Raipur, Chhattisgarh.,

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary Department Of School Education Mahanadi Bhawan, Mantralaya, Naya Raipur, District- Raipur, Chhattisgarh.
2. Chhattisgarh Board Of Secondary Education Through Its Secretary Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Petitioner : Shri Sanjay Agrawal, Advocate.
 For Respondent/State : Shri Rajendra Tripathi, Panel Lawyer.
 For Respondent No.2 : Shri HB Agrawal, Sr. Adv. With Smt. Itu Rani Mukherjee, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****28/08/2018**

1. The petitioner is a National Level basket ball player. She appeared in the Higher Secondary Board Examination (Class-12th) in the academic session 2016-17. Result of the said examination was declared on 23rd June, 2017. As per the mark sheet (Annexure-P/4), she failed to secure pass marks in the Mathematics subject, as she has secured 31 out of 100 marks whereas passing mark was 33 out of 100. There is no dispute

that being a national level basket ball player, she is entitled for 15 bonus marks, which in fact has been allowed to her, but the same has been added in the grand total and has not been distributed in individual subjects mark.

2. Placing reliance on the Rule Book of the Board vide Annexure-P/5, particularly, clause 5 thereof which provides for manner of distribution of bonus marks, it is put forth that the bonus marks should have been distributed in all the subjects which the Board has failed to do, therefore, appropriate direction needs to be issued to the Board for distributing marks in terms of the policy.
3. Learned Senior Counsel appearing for the Board would refer to clause 5.5 to argue that the bonus mark is to be added in the grand total and not to the additional subjects.
4. A plain reading of the bonus marks policy would manifest that the said marks can be distributed amongst all subjects and that bonus mark is admissible to students in addition to grace marks. By way of example, it is mentioned in clause-5.2 that even where the student has failed in all subjects but he is declared pass after grant of grace marks, he would still be entitled to distribution of bonus marks, as is necessary depending upon his marks. Clause 5.5 on which learned senior counsel has placed reliance provides for addition of bonus marks to the grand total, but before that clauses 5.1 to 5.4 provide for distribution of bonus

marks. There is no mention in the policy that the bonus marks shall not be distributed to the additional subjects. In all relevant places in clause-5, the word “all subjects” is mentioned without separately mentioning the subjects or additional subjects in two different category. In this view of the matter, the argument raised by learned senior counsel is not acceptable in the teeth of the language employed in clause-5.

5. Having seen the policy, this Court is of the considered view that the petitioner is entitled to distribution of bonus marks in the subject in which she has failed, even if the subject is additional subject.
6. Accordingly, the Writ Petition is allowed and the respondent/Board is directed to add required bonus marks to the marks secured by the petitioner in additional subject of Mathematics and thereafter issue fresh mark sheet to the petitioner.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve