

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

**CWP No. 12140 of 2017
Date of Decision: 23.01.2018**

DIGVIJAY

.....Petitioner

V/S

SHREE GURU GOBIND SINGH TRICENTENARY UNIVERSITY,
GURGAON, HARYANA THROUGH ITS REGISTRAR AND ANOTHER.

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: Mr. Sunil K. Nehra, Advocate,
for the petitioner.

Mr. Kamam Sehtal, Advocate,
for the respondents.

RAKESH KUMAR JAIN, J. (Oral)

The petitioner is seeking a direction to the respondents to issue his DMC of 3rd trimester after correcting the grade points obtained by him in the 1st and 2nd trimester examination which has been wrongly shown as 113 instead of 120 as the University has changed the criteria of evaluation and has applied it retrospectively to the 1st and 2nd trimester examination.

In brief, the petitioner, after doing Bachelor of Engineering in Computer Science and Technology from the Punjab University and Bachelor of Laws from Delhi University took admission in L.L.M. one year course. The examination of the 1st trimester was held in November 2015. The University adopted the UGC guidelines for awarding grade points on the choice based grading system, which is reproduced as under: -

<i>LETTER GRADE</i>	<i>GRADE POINT</i>
<i>O (Outstanding)</i>	<i>10</i>
<i>A+ (Excellent)</i>	<i>9</i>
<i>A (Very Good)</i>	<i>8</i>
<i>B+ (Good)</i>	<i>7</i>
<i>B (Above Average)</i>	<i>6</i>
<i>C (Average)</i>	<i>5</i>
<i>P (Pass)</i>	<i>4</i>
<i>F (Fail)</i>	<i>0</i>
<i>Ab (Absent)</i>	<i>0</i>

It is alleged that in the DMC issued to the petitioner for the 1st trimester, his total grade points were 66 and of the second trimester were 54. According to the petitioner, the total grade points of 1st and 2nd trimesters comes to 120. The petitioner took the exam of 3rd trimester in July 2016. He has been given DMC of 3rd trimester after declaration of the result on 28.09.2016, after assessing his grade point in terms of the new pattern which is as under: -

<i>Range of percentage of marks</i>	<i>Letter Grade</i>	<i>Grade points</i>	<i>Range of Grade Points</i>
<i>90% and above</i>	<i>O</i>	<i>10</i>	<i>9-10</i>
<i>80% and above but less than 90%</i>	<i>A+</i>	<i>9</i>	<i>8<9</i>
<i>70% and above but less than 80%</i>	<i>A</i>	<i>8</i>	<i>7<8</i>
<i>60% and above but less than 70%</i>	<i>B+</i>	<i>7</i>	<i>6<7</i>
<i>50% and above but less than 60%</i>	<i>B</i>	<i>6</i>	<i>Above 5<6</i>
<i>Minimum pass Marks 50%</i>	<i>P</i>	<i>5</i>	<i>5</i>
<i>Below Minimum pass Marks</i>	<i>F</i>	<i>0</i>	<i>-</i>

According to the petitioner, even if the new grade point system is adopted by the University across the board on 16.09.2016, it could have been only for assessing the 3rd trimester examination and would not have

affected the result already declared of the 1st and 2nd trimester. It is submitted that because in the DMC for the 3rd trimester, the grade points earned by the petitioner during the 1st and 2nd trimester is reduced to 113 from 120, otherwise the petitioner would have topped the University in LL.M.

It is, thus, submitted that the respondents have committed an error in changing the result of the petitioner of 1st and 2nd trimester while adopting the new pattern of assessment which has been applied to the result of the 3rd trimester only.

In reply, the respondents have submitted that the decision to apply new pattern was taken on 16.09.2016 and the result of the petitioner of all the three trimesters has been assessed on the basis of new scheme/pattern. It is also submitted that it has not done solitary in the case of the petitioner but it has been done to all the students of the University. It is further submitted that by virtue of adopting new scheme, the result of the petitioner shall remain the same because under the old pattern as well as under the new scheme the petitioner shall remain at No. 4. The chart in this regard is mentioned in the reply and is produced as under: -

OLD SCHEME

Sr. No.	Roll No.	Name	1 st Trimester		2 nd Trimester		3 rd Trimester		
			E.P.	TGPA	E.P.	TGPA	E.P.	TGPA	CGPA
1.	150203004	Himani	54.00	6.00	56.00	7.00	63.00	7.00	6.65
2.	150203005	Pankaj Yadav	57.0	6.33	54.00	6.75	59.00	6.56	6.54
3.	150203009	Sachin Kumar	57.00	6.33	58.00	7.25	56.00	6.22	6.58
4.	150203010	Digvijay	66.00	7.33	54.00	6.75	44.00	4.89	6.31

NEW SCHEME

Sr. No.	Roll No.	Name	1 st Trimester		2 nd Trimester		3 rd Trimester		
			E.P.	TGPA	E.P.	TGPA	E.P.	TGPA	CGPA
1.	150203004	Himani	55.80 + (1.80)	6.20	53.60 - (2.40)	6.70	59.40 - (3.60)	6.60	6.49 - (4.20)
2.	150203005	Pankaj Yadav	58.60 + (1.60)	6.51	52.80 - (1.20)	6.60	58.80 - (0.20)	6.53	6.55 + (0.20)
3.	150203009	Sachin Kumar	57.00	6.33	55.40 - (2.60)	6.93	56.00	6.22	6.48 - (2.60)
4.	150203010	Digvijay	60.60 - (5.40)	6.73	52.40 - (1.60)	6.55	51.8 + (7.80)	5.76	6.34 + (0.80)

It further submitted that the petitioner cannot challenge the result of 3rd trimester only without challenging the scheme itself rather the very fact that he has not challenged the scheme would mean that he has accepted it as he is claiming that the result already declared under the old pattern may not be changed. It is also submitted by the respondents that in case the result of the petitioner is maintained under the old scheme for 1st and 2nd trimesters then the result of all the other students would have to be changed and would create a great anomaly especially when the other students who are going to be effected because of the change are not the parties in this case and would be condemned without a hearing. It is also submitted that the petitioner has not been singled out for the purpose of declaring the result on the basis of new pattern as it has been applied uniformly to all the students of the University.

I have heard learned counsel for the parties and perused the record.

The basic argument of the petitioner is that the result of the 1st and 2nd trimesters cannot be altered, which is already declared by the University and the DMC have been issued, by changing the pattern at the

time of declaration of the result of the 3rd trimester as the new scheme has been adopted by the University on 16.09.2016.

Learned counsel for the respondent-University has already argued that the petitioner has not been singled out and the new scheme has been applied to all students of the University. It has also been submitted that if the criteria is changed on the asking of the petitioner then it is going to create a chaos in the University.

In this case, no doubt that the result of the petitioner was declared for the 1st and 2nd trimesters on the basis of old scheme and while declaring the result of the 3rd trimester, the new scheme has been applied retrospectively to all the previous examinations taken by the petitioner. It is also not in dispute that the said scheme has been applied across the board by the University to all the students who had taken the examinations like the petitioner. It is also not in dispute that with the introduction of the new scheme, the result of the petitioner shall remain the same in case the result of 1st and 2nd trimester is also changed with the changed scheme because in the old scheme also the petitioner is at No. 4 and in the new scheme he is also at No. 4. The only grievance of the petitioner is that if the result of 1st and 2nd trimester is not changed then perhaps he would have ranked 1st in the University because of his total grade points were 120 in the old scheme and now under the new scheme it has been reduced to 113 grade points.

The very fact that the petitioner is going to effect the result of all the students of the University as he is asking for application of the old scheme, much less, the students who are studying with him in the LL.M. and are not impleaded as parties to the present writ petition, would be sufficient to deny the relief asked for by the petitioner on the principles of non-joining

of necessary parties because the result of those students would definitely be affected and then it would be a decision behind the back of those students in violation of principles of natural justice.

Thus, in my considered opinion there is no loss caused to the petitioner because the new scheme has been applied uniformly to all the students of the University and the petitioner has failed to implead the necessary parties in the petition.

With these observations, the present petition is dismissed.

January 23, 2018

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No