

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16054 of 2019

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1. Gita Kumari Daughter of Manji Gond, Resident of Village and P.O. Gabhirar, P.S. Raghunathpur, District- Siwan, Pin Code- 841509, Bihar.
 2. Juhi Kumari, Daughter of Abhay Kumar Mishra, Resident of Village- Banni, P.O. Nagra, P.S. Khairah, District- Saran, Pin Code- 841442, Bihar.
 3. Chinku Kumari, Wife of Sri Manish Kumar Singh, Resident of Village- Auli, P.O. Maithwalia, P.S. Rivilganj, District- Saran, Pin Code- 841201, Bihar.
 4. Baban Kumar Das, Son of Mundrika Das, Resident of Village- Samaspura, P.O. M. Kuari, P.S. Dariyapur, District- Saran, Pin Code- 841219, Bihar.

... .. Petitioner/s

Versus

1. Jai Prakash University Rahul Sankrityayan Nagar, Chapra- 841301, Bihar, through its Registrar.
2. The Vice Chancellor, Jai Prakash University, Rahul Sankrityayan Nagar, Chapra- 841301, Bihar.
3. The Registrar, Jai Prakash University, Rahul Sankrityayan Nagar, Chapra- 841301, Bihar.
4. The Controller of Examination, Jai Prakash University, Rahul Sankrityayan Nagar, Chapra- 841301, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Raju Giri
		Mr. Santosh Kr. Mishra
For the Respondent/s	:	Mr.Nagendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 06-08-2019 Petitioners have approached this Court for a direction to the respondent University to consider the case of the petitioners for grant of grace marks.

Learned counsel submits that petitioners have brilliant academic record even in the present examination, marks obtained by the petitioner is 70 per cent plus but in one paper they have obtained one marks less than pass marks and as such learned counsel with reference to judgment of the Supreme



Court reported in **2002(6) SC 153** would submit that Supreme Court has granted indulgence in similar matters, this court should also grant indulgence and direct the University to award one grace marks having regard to the hard case of the petitioners.

This Court while exercising discretion under Article 226, the Court cannot issue any mandamus with regard to grant of grace marks. However, liberty shall be available to the petitioners to approach the University to consider their case sympathetically having regard to the fact that they have obtained above 70 per cent marks in the current examination although they have declared failed on account of short of one marks in theory paper. The petitioners may represent Vice-Chancellor of the University who may consider the case of the petitioners sympathetically without influenced by any observation made by this court in the present writ application.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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