

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5446 OF 2018

Gazla Parveen Shaikh Iqbal .. Petitioner

Versus

The Examination Controller and others .. Respondents

Shri Jain Gajendra Devichand, Advocate for the Petitioner.
Shri Y. B. Bolkar, Advocate for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 19TH JUNE, 2019.

FINAL ORDER :

. Mr. Jain, the learned counsel for the petitioner submits that, the petitioner had appeared for the examination of M. A. English. The petitioner has secured 1330 out of 1600 marks and one Ms. Kshama Fegade has secured 1329 out of 1600 marks. Though the petitioner has secured more marks, the petitioner was placed at second and Miss Fegade Kshama/respondent No. 4 was placed at first. The learned counsel submits that, circular dated 12.01.2013 has been referred. In the revised merit list the circular states that, the merit shall be considered on the basis of marks obtained. As the petitioner has obtained more marks, the petitioner ought to have been placed at Sr. No. 1.

2. Mr. Bolkar, the learned advocate for the respondent/university submits that, the petitioner is relying on circular dated 12.01.2013. However, later on respondents under circular dated 22.12.2013 made applicable 6 point CGPA grading system to all the streams from the academic year 2014-2015 and as such, the CGPA grade system is made applicable while preparing the merit list. The average of the point is to be drawn and on the basis of the same the merit list is prepared. According to the learned counsel the CGPA of the petitioner is less than the respondent No. 4 and as such the respondent No.4 is placed at No. 1.

3. Upon considering the submissions, it is manifest that the petitioner has secured more marks than the respondent No. 4, however, the 7 point CGPA has been considered. The university has detailed as to how CGPA system is adopted. The said 7 point CGPA system gives the grading and the point. Same is detailed as under :

& Marks obtained	Grade	Grade Point
75 – 100	O : Outstanding	06
65 – 74	A : Very Good	05
55 – 64	B : Good	04
50-54	C : Average	03
45 – 49	D : Satisfactory	02

40 – 44	E : Pass	01
00 – 39	F : Fail	00

4. It appears that, in view of the CGPA system, the petitioner though has secured more marks than the respondent No. 4, however, her CGPA average is less than the respondent No. 4, so the respondent No. 4 is placed at Sr. No. 1 in the merit list. It is further submitted that, the academic council has also sanctioned the said system. The same is not subject matter of challenge.

5. Considering the above, in the writ petition no relief can be granted to the petitioner. The writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

bsb/June 19