

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

REVIEW APPLICATION NO. 170 OF 2019

**GAZALA PARVEEN SHAIKH IQBAL
VERSUS
THE EXAMINATION CONTROLLER, NORTH MAHARASHTRA
UNIVERSITY AND OTHERS**

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**Advocate for Applicant :
Mr. Jain Gajendra Devichand
Advocate for Respondents No. 1 to 3 :
Mr. Y. B. Bolkar**

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

DATE: 06th DECEMBER, 2019

PER COURT:

1. The review applicant / petitioner seeks review of the order passed by this Court dated 19.06.2019 in Writ Petition No. 5446 of 2018.

2. Mr. Jain, learned counsel for the review applicant / petitioner submits that the review applicant / petitioner had secured 1330 out of 1600 marks. Miss Kshama Fegade has secured 1329 out of 1600 marks, still the review applicant / petitioner was placed second and Miss Kshama Fegade was placed first. While preparing list, the

circular dated 12.01.2013 is referred. The circular states that merit shall be considered on the basis of marks obtained. The review applicant / petitioner has obtained more marks, as such, the review applicant / petitioner is required to be given the gold medal and should stand at serial no. 1. The learned counsel submits that the circular dated 12.01.2013 was in force at the time the merit list was published. The respondents cannot rely on the circular dated 13.11.2018. The same is subsequent to the declaration of the result. It was only under the circular dated 13.11.2018, the circular dated 12.01.2013 was cancelled. According to the learned counsel, if circular dated 12.01.2013 is applied the review applicant / petitioner is entitled for gold medal and would rank at serial no. 1. There is an error apparent on face of record.

3. Mr. Bolkar, the learned counsel submits that after circular dated 12.01.2013 there were various circulars issued from time to time. One such is

circular dated 22.11.2013, which states that 7 Point CGPA is to be applied. Again another circular dated 28.11.2015 clarified as to applicability of 7th CGPA and 10th CGPA. The circular dated 13/14.02.2014 also dealt with applicability of 7 Point CGPA. There were some mistakes committed by the department. On receiving the complaint eight mistakes have been corrected by applying 7 Point CGPA system.

4. The jurisdiction of this Court in Review would be in a narrow compass. The same cannot be treated as an appeal in disguise.

5. We have considered the contentions advanced by the learned counsel for respective parties.

6. Be that as it may, it appears that the 7 Point CGPA system is adopted. On affidavit it has been stated that consistently the 7 Point CGPA system is applied for all the students. No malafides can be attributed to the University nor the University has got some animus against the petitioner. While delivering the judgment in the

writ petition, we have considered the applicability of the CGPA system and had detailed the said system. It is not the isolated case of the review applicant / petitioner but there are many other students in the merit list, where, though a person has obtained more marks but still is placed second on the basis of the CGPA. To illustrate, if a student gets 91 marks in two subjects and another student gets 89 marks and 95 marks in two subjects, still the CGPA of the latter student would be less though having secured more marks. The same appears to have been adopted by the respondents.

7. We can understand the predicament of the review applicant / petitioner, that though having secured more marks, the review applicant / petitioner is placed second. However, considering the system adopted uniformly for all the students, the grievance of the review applicant / petitioner now cannot be entertained.

8. Review application, as such, is disposed of.

No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

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