

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.117

CWP-5959-2020 (O&M)

Date of decision : 3.3.2020

K. Abhadeep

..... Petitioner

VERSUS

Central Board of Secondary Education, New Delhi and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Johan Kumar, Advocate, for the petitioner.

SUDHIR MITTAL, J. (Oral)

The grievance of the petitioner is that he has not been granted grace marks in the Social Science paper of class IX examination.

The petitioner took the class IX examination during the academic session 2018-19, but failed in the subject of Social Science. He secured 28 marks out of 100 marks. Thereafter, he took the supplementary examination and obtained 21 marks out of 100 marks. He made a representation for grant of grace marks, but the same was turned down. Then, a legal notice dated 12.6.2019 was issued. However, nothing was done thereupon and the petitioner approached this Court by way of CWP-37448-2019, which was, however, dismissed as withdrawn with liberty to file a fresh writ petition. Thereafter, another legal notice dated 10.2.2020 was sent, whereupon, reply dated 17.2.2020 was received and the demand of the petitioner was rejected on the ground that according to amended Article 106 of the Education Code applicable to Kendariya Vidhyalaya Sangathan, New Delhi, a maximum of 10 grace marks can be awarded out of which not more than 4 grace marks can be awarded in one subject. Thus, the present writ petition has been filed claiming grant of 5 grace marks.

Learned counsel for the petitioner submits that the amended Rule 106 is applicable only to class XI and above. The petitioner took the class IX examination and un-amended Rule 106 is applicable to him.

The argument is totally illogical. Once a Rule has been amended, the old provision ceases to exist. It gets replaced by the amended provision. In amended Rule 106, there is no provision for grant of grace marks to class IX students. Only class XI students are entitled for grant a marks and thus, there is no infirmity in the rejection of the case of the petitioner.

The increasing tendency amongst students to seek grace marks as a matter of right is deprecated. Students should put in their best efforts during the examination and not rely upon grace marks for passing the same. Rules providing for award of grace marks promote mediocrity and this cannot be the goal of any system of education.

The writ petition is without any merit and is dismissed.

(SUDHIR MITTAL)
JUDGE

3.3.2020

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No