

CWP-22683-2018(O&M)

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2024:PHHC:041243

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-22683-2018(O&M)

Date of decision : 21.03.2024

Jyoti

... Petitioner

Versus

All India Council for Technical Education and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Sardavinder Goyal, Advocate and
Mr.Rohit Duggal, Advocate
for the petitioner.

Mr.Sahil, Advocate for
Mr.Nitin Kaushal, Advocate
for respondents no.1 and 2.

Mr. Tarun Vir Singh Lehal, Advocate
for respondent no.3.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondents no.1 and 2 to re-evaluate the answer sheet / result (Annexure P-9) of the petitioner for Deemed University Examination (2018) for PG Degree conducted by respondent (AICTE) after awarding one mark to the petitioner for duplicate pair of question nos.31 & 51 as one mark has already been awarded to all the candidates for duplicate pair of question nos.37 & 55.

2. On 11.03.2024, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner has submitted that the petitioner, as per the case of the respondent authorities, has secured 167 marks out of 420 marks which comes to 39.76% whereas passing marks is 40% and has submitted that the respondent authorities have rounded off the marks of two another candidates, who have also secured 39.76%, to 40% and had declared them qualified. For the said purpose, he has referred to a document which is taken on record and marked as “Mark A” and a copy of the same has been supplied to learned counsel for respondent Nos.1 and 2 who prays for a short adjournment to get instructions in the matter.

Adjourned to 21.03.2024.

To be taken up at 12:00 pm.

11.03.2024”

3. Learned counsel for the petitioner has submitted that the case of the petitioner is on an absolutely similar footing as that of Sudhir Mohan and Chandra Bhan Kapil, in who's case, the percentage secured by both of them i.e., 39.76% (as is also the case of the petitioner), has been rounded off and has been written as 40% by respondent no.1-institute in pursuance of the judgment of the Himachal Pradesh High Court passed in CWP-1192-2019 titled as ***“Kanhya Lal Sharma vs. All India Council for Technical Education”*** decided on 25.11.2019 which was followed by the High Court of Uttarakhand at Nainital in decision dated 08.11.2021 passed in Writ Petition (M/S) no.2580 of 2020 titled as ***“Shri Sudhir Mohan & another vs. All India Council for Technical Education”***. It is further submitted that the petitioner also deserves the same relief as has been granted to Sudhir Mohan and Chandra Bhan Kapil by respondent no.1 vide its decision “Mark A”. Learned counsel for the petitioner has stated that he would submit a representation bringing out the said facts in the same and respondent no.1 be directed to consider and decide the same after taking into consideration the judgment passed by the High Court of Himachal Pradesh, Shimla in the case of ***Kanhya Lal Sharma*** (supra) which was followed by the High Court

of Uttarakhand at Nainital in the case of ***Sudhir Mohan*** (supra) and also the decision “Mark A” taken by respondent no.1 in the case of Sudhir Mohan and Chandra Bhan Kapil.

4. Learned counsel for respondent nos.1 and 2 has submitted that they would consider and decide the representation after taking into consideration the judgment of the Himachal Pradesh High Court passed in the case of ***Kanhya Lal Sharma*** (supra) which was followed by the High Court of Uttarakhand at Nainital in the case of ***Sudhir Mohan*** (supra) and also after taking into consideration the decision “Mark A” taken by respondent no.1.

5. Keeping in view the abovesaid facts and circumstances, the present petition is disposed of with the following directions:-

- i) It would be open to the petitioner to give a representation to respondent no.1 bringing out the detailed facts as have been argued by learned counsel for the petitioner and have been noticed in the earlier part of this order.
- ii) In case of the petitioner doing so, the competent authority of respondent no.1 would consider the said representation within a period of six weeks from the date of the receipt of the representation and while considering the representation, would take into consideration the judgment of the Himachal Pradesh High Court in the case of ***Kanhya Lal Sharma*** (supra) which was followed by the High Court of Uttarakhand at Nainital in the case of ***Sudhir Mohan*** (supra) and also the decision “Mark A” taken by respondent no.1 in the case of Sudhir Mohan and Chandra Bhan Kapil and in case,

the case of the petitioner is covered by the said judgment and decision of respondent no.1, then, similar relief would be granted to the petitioner, as expeditiously as possible.

6. Pending application, if any, stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

March 21, 2024
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No