



2024:DHC:570



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4631/2019**

MS. MOMISHA

..... Petitioner

Through: Mr. Rajnish Kumar Jha and
Md. Faiyazul Haque, Advs.

versus

UNIVERSITY GRANTS COMMISSION

(UGC) AND ANR.

..... Respondents

Through: Ms. Anju Bhushan Gupta and
Mr. Aditya Goel, Advs. for Respondent 2

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

JUDGMENT (ORAL)

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24.01.2024

W.P.(C) 4631/2019

1. The petitioner graduated from the Kamala Nehru College, University of Delhi in 2015 with a B.A. (Hons.) Geography degree.

2. In August 2016, the petitioner took admission in the M.Sc. (Geoinformatics) programme of the TERI School of Advanced Studies ("TSAS", hereinafter).

3. It is admitted, in the writ petition, that, at the time of orientation prior to joining any course, every student was provided a Student Handbook. A copy of the said Handbook has been annexed to the petition. Clause 7 of the Handbook envisaged evaluation of the performance of the student on grading basis, after considering the

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student's performance in tests, assignments, quizzes, term papers and class interactions. The student could be graded A+, A, B+, B, C+, C, D, F, I, W, Ab., NC (Pass) and NC (Fail) depending on the performance of the student on an overall assessment of these factors. The Handbook further provided that the minimum passing grade was D.

4. Following the aforesaid stipulations regarding the grading system to be adopted for each Student, the Handbook explained how the performance of the candidate was to be evaluated. The Handbook envisaged Semester Grade Point Average (SGPA) or Cumulative Grade Point Average (CGPA) as the two indices on the basis of which each candidate would be evaluated.

5. For the purposes of this judgment, it is not necessary to enter into the specifics of the manner in which the SGPA and CGPA were to be worked out as per the Handbook. Suffice it to state that the Handbook provided thus:

“The minimum CGPA required for the award of a PhD (course work) programme is fixed at 7.50.

The minimum CGPA required for the award of MSc/MBA/MA is fixed at 6.0.”

6. At the end of the fourth semester of the M.Sc. (Geoinformatics) programme that the petitioner undertook, the TSAS issued a grade-sheet to the petitioner, with which the petitioner is seriously aggrieved. The grade-sheet certified that the petitioner was graded B, with an SGPA of 7.00 and CGPA of 5.88. Below the grading system



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as shown on the said grade-sheet, the following note was entered, preceded by an asterisk:

“* The University rules specified a minimum CGPA of 6.0 for the award of M.Sc. (Geoinformatics) degree.”

7. With a CGPA of 5.88, it is clear that the petitioner could not have been awarded the M.Sc. (Geoinformatics) degree in view of the express stipulation, in the Student Handbook, that a minimum CGPA of 6.0 was necessary for the said purpose. The petitioner has not challenged the said stipulation.

8. The writ petition avers, in para ix), that the petitioner was unhappy with the gradings and the CGPA awarded to her and, therefore, requested the Dean, Pro-Vice Chancellor of the TSAS to re-evaluate her grades as per the procedure set out in the Student Handbook. It is further alleged that the TSAS “simply denied the petitioner that option”.

9. Thereafter, the TSAS proceeded to issue to the petitioner, the following letter on 4 July 2018:

“TERI School of Advanced Studies
10, Institutional Area
Vasant Kunj, New Delhi -110070

Gp. Capt. Rajiv Seth (Retd), Ph.d
Pro Vice Chancellor

4 July 2018

Ms. Momisha
D-618, C.R. Park

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New Delhi-110019
Tel. 8010807930

Dear Momisha,

As you would be aware, you have earned a CGPA of 5.88 at the end of Semester IV of your M.Sc. (Geoinformatics) programme.

As required by the University rules, the minimum CGPA for the award of the M.Sc. (Geoinformatics) degree is fixed at 6.0. Since you do not meet this criteria, you are not eligible to be awarded the degree.

You now have the option of either discontinuing the programme without a degree or registering for Semester V in the academic year commencing 23 July 2018. In this semester, you would be permitted to register for and undertake another Major project (Course No. NRG 104A). If you wish to take the latter option, you may sign the attached undertaking and return it to the Academic Office.

Sincerely,

Gp Capt. Rajiv Seth (Retd.), Ph.D
Pro Vice Chancellor"

10. The Student Handbook provided thus, in the matter of re-evaluation:

“Informal process

The student who believes that s/he was given an improper grade, must meet the concerned faculty member, within 3 working days of the grade display, to review her/his grade if s/he believes that there was an error while totaling marks of various components (e.g. minor tests, assignment, field reports etc.) of the course. The informal process must be carried out face-to-face. However, if the faculty member is not available in the office, the discussion between the student and faculty may take place through email or phone, if suggested by the faculty member.

Formal Process

Application to Dean (Academic)

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If the student is still dissatisfied over her/his final grade, s/he may apply for a formal procedure of grade review to the Dean (Academic). This must be done within 3 working days of the grade display.

The formal application for final grade review must be done as a signed written request and must include a statement from the student providing evidence that supports the argument that a fair evaluation method has not been used while assigning the final grade to her/him.

The Dean (Academic) will review the matter by holding meetings with the student and concerned faculty member individually, and will: Communicate the decision to the student within 3 working days, OR

Refer the matter to the MPEC for a review, and thereafter take a decision based on the recommendation, within 3 working days.

Review by the MPEC

When the Dean (Academic) refers the matter to the MPEC for a review, s/he would pass-on on the points relevant to the case, to the chairperson of the MPEC, who in turn, after the meeting, would communicate the recommendation of the MPEC, in writing, to the Dean(Academic).

In normal circumstances, the faculty-in-charge of the course must attend the MPEC meeting.

Decision of the Dean (Academic)

The final decision of the Dean(Academic) will be communicated to the faculty-in-charge for retention/change of grade. This will then be communicated to the Registrar's office.

Grades awarded for projects

The awarding of grade for the performance of a student in a project is the prerogative of the Master's Programme Executive Committee (MPEC). A grade given by the MPEC may be changed only by the committee."

11. It will be seen from the above that, if a student was unhappy with the grade awarded to her, or him, the student was required to



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meet the concerned faculty member for reviewing the grade by an informal process to be carried out face to face. If the student continued to remain dissatisfied, she, or he, could apply formally for a grade review to the Dean (Academic). This was required to be done within three working days of the display of the grade. The formal application for grade review had to be by a written request with a statement from the student containing evidence to support the argument that her, or his, performance had not been fairly evaluated while assigning the grade. It was only on such a representation being submitted that the Dean (Academic) was to review the matter with the participation of the student and the concerned faculty member. The Dean (Academic) could also, if he deemed it appropriate, refer the matter to the Master Program Executive Committee (MPEC) for a review, in which event the MPEC would decide whether the grade awarded to the student was required to be revisited.

12. There is nothing to indicate that the petitioner, at any stage, approached the Dean (Academic) for re-evaluation of her performance. All that is said in the writ petition is that she had requested the Dean (Academic) and the Pro-Vice Chancellor to re-evaluate her performance as per the procedure stipulated in that regard in the Student Handbook. No documentary evidence in that regard is forthcoming. There is no communication from the petitioner to any of the authorities in the TSAS, to the effect that the petitioner had sought re-evaluation first by following the informal procedure, and, on that not succeeding, had submitted a written representation to the Dean (Academic) as required by the Student Handbook.



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13. Instead, on 6 September 2018, the petitioner, through a friend, addressed a detailed representation to the University Grants Commission (UGC), ventilating her grievance and praying that the matter be re-examined. The UGC forwarded the representation to the TSAS, which referred the matter to its Grievance Redressal Committee (GRC). The GRC examined the matter in exhaustive detail and also went into the precise of SGPA and CGPA gradings awarded to the petitioner, culminating in a report dated 30 January 2019. The report merits reproduction *in extenso*, thus:

“Report of Student Grievance Redressal Committee in respect of Complaint Submitted by Ms Momisha, MSc (Geoinformatics) Student (2016-18) to UGC

Ms Momisha, MSc (Geoinformatics) student (2016-18), submitted a complaint to UGC regarding unfair evaluation procedure and baseless criteria for award of the degree followed by the University. UGC has forwarded the complaint to TERI School of Advanced Studies on 29th November 2018 to take necessary action under intimation to them (Annexe 1).

The complainant has questioned the criteria of obtaining a minimum CGPA.6.0 for award of MSc degree even after qualifying total course credits of 76, which is more than minimum requirement of 70 credits by passing all the courses. She also alleged that she was denied revaluation of her major project grade. According to her, she fell short of 6.0 CGPA requirements by just a handful of marks and points. This was done deliberately by the University with the intention of gaining further monetary benefit by registering her for one more semester with full fees.

The Committee invited the complainant for a discussion on 11th January 2019 about her complaint. She reiterated the same points as mentioned in her complaint. No further point was either mentioned or any new evidence placed by her before the Committee. The Chairman of the Committee has met her informally on the same day and requested her to complete an additional semester as required under the University rules to improve her CGPA score and offered that she may be given the

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benefit staggered payment of fees if considered necessary. However, she was not inclined to do so and requested for necessary action on her complaint.

The Committee examined the report submitted by the Department of Natural Resource, describing semester-wise performance of the student (Annexe 2).

Para 7 of the Student Handbook prescribes the programme evaluation criteria of a Post Graduate Course, MA, MSc, MBA etc. which is based on Grading System (Annexe 3). The performance of a student is represented by two indices: SGPA and CGPA. CGPA is the grade point average for all the completed semesters. SGPA and CGPA are determined by the following formulae:

$$\text{SGPA} = \frac{\text{Total of (course credits x grade points)}}{\text{Total of (course credits)}}$$
$$\text{CGPA} = \frac{\text{Total of (course credits in passed courses x grade point)}}{\text{Total of (course credits in passed courses)}}$$

While computing SGPA, all the registered credits are taken into account, whereas for computing CGPA, only the earned credits are considered.

The minimum CGPA required for the award of MSC/MBA/MA degree is fixed at 6.0.

The evaluation criteria for performance of a student are approved by Academic Council.

The performance of Ms Momisha has been examined. Her SGPA scores, semester wise, are given as under:

Semester	SGPA	CGPA
1	5.46	5.46
2	5.53	5.49
3	5.85	5.61

As seen from the above Table her SGPA scores in first three taught semesters were consistently below 6.0, though it improved gradually. When looked more closely at her course wise performance it was found that she obtained A grade in 1, B in 3, C+ and C in 7 each and D in 2 courses. In one audit course in the first semester she failed but later passed in third semester.

Her course wise performance for first three semesters are indicated in the following table:

Number of courses	Letter Grade	Grade Point	Performance
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7	C+	6	Average
7	C	5	Below Average
3	B	7	Good
2	D	4	Marginal
1	A	9	Excellent

Thus, of the 20 taught courses, her performance in them, was either average or below the average in 14 courses. In another two courses, her performance was marginal, that is, even below average. In only four courses she fared well, getting a good in three courses and excellent in the remaining course.

The University reviewed performance of underperforming students including Ms Momisha as per established practice on 17th October 2017 during third semester (Annexe 4). Accordingly she along with the other underperforming students was counselled.

At the end of the third semester her cumulative grade score, CGPA improved to 5.61.

In the fourth semester the student was required to do a major project of 15 credits for a minimum duration of 15 weeks. The project involved an internship with an organisation in the field of Geoinformatics. Ms. Momisha interned at a NGO, Water Harvest India, based in Udaipur (Rajasthan).

The evaluation criterion has four components, namely Presentation (weightage 30). Thesis (40). External supervisor's feedback (20) and Timeliness (10) on a scale of 100. Against these norms, the student got weighted marks as under:

Presentation	21
Thesis	29
External advisor's feedback	18
Timelines	10
Total	78

The thesis was examined by two examiners including the internal supervisor. Her weighted score was 31.825 of maximum 40 but she was penalised on account of similarity (plagiarism) of 29 per cent as per Turnitin software applied to check it. Internal supervisor recommended 10 per cent cut equivalent of 3.2 marks as a result; she was then awarded 29 marks in her thesis component.

As per the major project guideline attached, grading of major project is on absolute scale. Accordingly, she was awarded B grade



equivalent of a performance rated as Good. B grade is given to those candidates who obtain marks between 71 and 80.

The Committee has scrutinised the evaluation process in respect of the student and does not find any discrepancy in the evaluation at any stage.

The student mentioned in her complaint that she had appealed to the University authorities (Dean and Pro Vice Chancellor) for a revaluation of her grade in the major project but they denied her an opportunity. She also reiterated this complaint in her discussion with the Committee.

Student Hand Book prescribes the process of both informal and formal process of revaluation of the grades awarded to the student after the examination results are declared (Annexe 5). She might have made representation to Dean and Pro Vice Chancellor informally but the Committee could not find any formal request for revaluation of the grade in the major project in the official records.

It may be also mentioned here that of four underperforming students in her class at the end of one year, two students improved their performance and made to minimum CGPA of 6.0 finally and became eligible for award of Degree. Another one who could not achieve the minimum level repeated the major project course in the next semester and has become eligible for award of degree. Only one student, Momisha did not yet avail the opportunity of improving her CGPA score by repeating course(s).

Following facts thus emerge from the above analysis:

1. The student's performance was mostly in majority of courses either 'Average' or 'Below average' during first three semesters; as a result her CGPA at the end of third Semester was 5.61. She perhaps, hoped to make up the shortfall in the fourth and final semester as the project work was of 15 credits but could not do so and finally ended up with a CGPA score of 5.88 that is less than 6.0, minimum CGPA score required for award of MSc degree.
2. In the major project thesis she was penalised by 10 per cent as a similarity (Plagiarism) of 29 per cent was observed in her thesis adversely affecting her grade.
3. The student was counselled about her performance during the third semester, after the completion of one year, Her performance though improved in subsequent



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semesters but remained still short of required CGPA score required for award of degree.

4. The student did not formally request for revaluation of the grade of the major project.

The student has also questioned the basis of evaluation of student's performance by grading system where a CGPA score of 6.0 (Average) is required to qualify for the award of degree. The grading system followed by the University is same as followed by other reputed Universities and institutions like the IITs (Annexe 3). After a two year programme, it is expected that the overall performance of the student remains at least as 'Average' corresponding to the Grade 6.0. While a 'Below Average' performance may allow a student to pass a particular course but for clearing the programme and getting a degree the student must obtain an 'Average' performance level.

The Committee does not find any merit in the arguments of the student pointing out shortcomings in the grading system of performance evaluation. Also, the performance evaluation system is described in Student hand book in detail. The underperforming students are also counselled to improve to their performance as seen in this case as well.

The student has also complained of poor teaching standards and little encouragement and help to the underperforming students from the faculty. She has stated that denial of revaluation of her major project grade was deliberate with the purpose of monetary gain in form of fees for an additional semester. The Committee find that these allegations are vague and general in nature and do not merit any consideration particularly when she did not avail the opportunity to ask of revaluation of the grade formally as prescribed in the Student Hand Book.

The Committee, therefore, has concluded that

1. There has been no discrepancy in the performance evaluation of major project course of Ms Momisha, student of MSc (Geoinformatics) (2016-18). There is also no evidence of wrong doing on the part of any faculty or University authorities in alleged denial of opportunity to the student for revaluation.

2. The grading system for performance evaluation of post-graduate students prescribed by the University is similar to the systems adopted by other reputed institutions



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like the IITs. The current system of performance evaluation is brought to the knowledge of all the students by prescribing it in the Student Hand Book and by also counselling the underperforming students from time to time.

3. The student can avail the opportunity to improve her CGPA by repeating a major project course or other courses in order to enhance her CGPA to a minimum level of 6.0 to become eligible for award of degree MSc (Geoinformatics) as prescribed in the Rules.

Shri Prakash

Anandita Singh

Naqui Anwer

Vishnu Konoorayar

Kamal Sharma

Sudeshna Maya Sen”

14. The petitioner has, thereafter, approached this Court by way of the present writ petition. The writ petition was subsequently amended to introduce additional prayers. The prayer clause in the amended writ petition reads thus:

“In view of the facts and grounds stated herein above the Petitioner herein prays that this Hon'ble Court may be pleased to: -

a. Issue writ of certiorari or any other appropriate Writ, Order or Direction, to Respondent No.2 to recall the marksheet issued on 28.07.2018 to the extent that it contains the asterisk with the note “The University rules specify a minimum CGPA of 6.0 for the award of M.Sc (Geo-informatics) degree

b. Issue writ of mandamus or any other appropriate writ appropriate Writ, Order or Direction, to Respondent No.2 to issue a fresh marksheet which does not contain the asterisk with the note “The University rules specify a minimum CGPA of 6.0 for the award of M.Sc (Geo-informatics) Degree

c. Issue writ of mandamus or any other appropriate writ, order or direction to Respondent No.2 to issue A Degree of the M.Sc Geo-informatics to the Petitioner.

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d. Issue writ of mandamus or any other appropriate writ, order or direction or any other appropriate writ, order or direction to Respondent No.2 to re-evaluate the project work for the period January to June 2018.

e. Pass any other order and/ or direction, as this Hon'ble Court may deem fit proper under the facts and circumstances of the present case and in the interest of Justice.”

15. I have heard Mr. Rajnish Kumar Jha, learned Counsel for the petitioner and Ms. Anju Bhushan Gupta, learned Counsel for TSAS, at length.

16. Insofar as prayers a. to c. in the writ petition are concerned, they can obviously not be granted.

17. I queried of Mr. Jha as to basis for prayers a. and b., which only take exception to the asterisked note, entered on the petitioner's Grade Sheet, which stated that the University Rules specified a minimum CGPA of 6.0 for the award of the M. Sc. (Geoinformatics) degree.

18. Mr. Jha candidly acknowledges that the note is not factually incorrect as the Student Handbook indeed stipulates that, for award of any M. Sc. degree, a minimum CGPA of 6.0 is required.

19. Mr. Jha has not been able to draw my attention to any stipulated format for issuing grade-sheet, which could be said to have been breached by entering of the asterisked note. In the absence of any such submission or material on record, I do not see how the Court can take exception to the asterisked note on the petitioner's grade sheet,



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with which the petitioner is aggrieved. There is no dispute about the fact that, as per the Student Handbook, a minimum CGPA of 6.0 is indeed necessary for the award of M.Sc. (Geoinformatics) degree. The asterisked note, therefore, merely stated what the Student Handbook specified.

20. As such, prayer a. in the writ petition which seeks recall of the grade-sheet to the extent it contains the impugned asterisked note, prayer b. which seeks a direction to the TSAS to issue a fresh grade sheet without the asterisked note and prayer c., which seeks a direction to the TSAS to issue a degree of M.Sc. (Geoinformatics) to the petitioner, cannot be granted and accordingly, rejected.

21. Mr. Jha then presses prayer d.

22. Prayer d. seeks a direction to the TSAS to re-evaluate the project work of the petitioner for the period January to June 2018 for the fourth semester. As already noted, there is a stipulated procedure for re-evaluation envisaged in the Student Handbook. Where there is a stipulated procedure for re-evaluation and that procedure is not followed, the Court cannot direct re-evaluation of the marksheet. No doubt, if the petitioner would have followed the procedure prescribed for re-evaluation and the respondent, nonetheless, did not re-evaluate her grades, the Court would be well within its jurisdiction to direct re-evaluation. In the present case, however, the petitioner did not follow the procedure envisaged in the Student Handbook for re-evaluation of her grade-sheet. The envisaged procedure required the petitioner to



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seek informal re-evaluation on face to face basis and, in case the student continued to remain aggrieved, to write a formal written representation to the Dean (Academics), seeking re-evaluation and setting out in explicit detail as to why, in the perception of the student, the valuation of her performance was incorrect or unfair. No such written representation has been made by the petitioner. There is no such averment in the writ petition and no document, which can be treated as a representation to the Dean (Academic), is forthcoming on the record.

23. Mr. Jha has invited my attention to the following observation contained in the report of the GRC:

“Student Hand Book prescribes the process of both informal and formal process of revaluation of the grades awarded to the student after the examination results are declared (Annexe 5). *She might have made representation to Dean and Pro Vice Chancellor informally* but the Committee could not find any formal request for revaluation of the grade in the major project in the official records.”
(Emphasis supplied)

24. Mr. Jha’s contention is that the italicized observation, in the afore-extracted paragraph from the GRC report, to the effect that the petitioner *might have made* an informal representation to the Dean (Academic) and Pro-Vice Chancellor, amounts to an acknowledgment of the fact that such a representation was indeed made. It may not be possible to read the observation as a positive acknowledgement of an informal request for re-evaluation in fact having been made by the petitioner to the TSAS officials. Assuming, for the sake of argument, that such an informal representation had in fact been made, the



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Student Handbook also stipulates the course which the student was to follow in the event of the informal request not resulting in any favourable outcome. The student was required, in that event, to address a formal written representation to the Dean (Academics), setting out precisely the grounds on which he contended that his performance had not been properly appreciated. The Dean (Academics) had before him two options; either to reconsider the performance of the student associating, in the process the student, as well as the faculty member who had evaluated the student's performance, or referring the matter to the MPEC. In the absence of any written formal representation by the student, the Dean (Academics) would obviously be in no position to adopt either of these courses.

25. Clearly, therefore, the petitioner did not follow the procedure envisaged in the Student Handbook for re-evaluation of her fourth semester performance. It is difficult, therefore, for the Court to direct re-evaluation. If this Court were to hand down such a decision, it would set a precedent for every student, in every case, to seek a direction for re-evaluation from the Court, even though there is a stipulated procedure for re-evaluation, which the student had not followed.

26. Nonetheless, given the fact that the academic career of the petitioner was hanging in the balance, I deemed it appropriate to examine whether a *prima facie* case for directing re-evaluation could be said to exist, despite the petitioner having not followed the



procedure prescribed in that regard. I queried accordingly of Mr. Jha, in response to which Mr. Jha has drawn my attention to the Annexure to the GRC report, which sets out the semester-wise performance of the petitioner. The relevant portion of the said annexure, which deals with the fourth semester of the petitioner, reads thus:

“11. Semester 4: Major Project of Ms. Momisha

Major project in Semester 4 is a compulsory requirement of MSc Geoinformatics Programme. This is a 15 credits course in which students undertake a semester long internship either with an organization/institution in the field of Geoinformatics or with an internal faculty member on a research as per stipulated guidelines (refer major project guidelines; Attachment 2. Email sent with major project guideline attachment: Attachment 3). Accordingly, Ms. Monisha interned at a NGO Water Harvest India, Udaipur, Rajasthan. She was awarded following marks in major project across various components of evaluation (Table 4).

Table 4 : Components of Major Project along with marks

Components of Major Project	Weightage	Marks Obtained	Weighed Marks
Presentation	30	28/40	21
Thesis*	40 (Internal Supervisor IS = 25; Examiner1 Ex1=15); 10% deduction for similarity	83.5/100 (IS); 73/100 (Ex1); -3.2 for similarity (plagiarism)	29
Timelines	10	10/10	10
External Advisor's Feedback	20	18/20	18
Total	100		78

For clarity, further break up of all the components are given in Table 5.

Table 5: Breakup of the four components of Major Project.

Components of Major Project	Presentation	Thesis*	Similarity score on thesis**	Timeliness	External Advisor's Feedback
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Internal Supervisor	15/20	83.5/100	10% of thesis marks deducted	10/10	18
Examiner 1	6/10	73/100			
Examiner 2	7/10	NA			

* individual break up of thesis is provided as attachment (Attachment 4)

** Deduction for similarity is as per major project guidelines.”

27. Mr. Jha’s contention is that the weighed marks of 21, which have been awarded to the petitioner against the “Presentation” component of her major project were incorrect and that she ought, instead, to have been awarded 28 marks.

28. In the first place, there is no such averment in the amended writ petition or even in the original writ petition. In the second place, there is no such allegation in any of the representations on record, including the representation addressed to the UGC. In the third place, when Mr. Jha was queried as to the basis for his contention that the weighed marks for presentation should be 28 instead of 21, no satisfactory response is forthcoming. Mr. Jha’s only contention is that, as the petitioner was granted a weighed mark of 10 for timeliness and weighed mark of 18 for external advisor’s feedback, which were equal to the marks obtained by the petitioner, the weighed marks for presentation should also have been equal to the marks obtained by the petitioner which were 28 out of 40.

29. Weighed marks, it is well known, are worked out on weighted average basis. Calculation of the weighted average involves, in its most basic form, multiplication of the actual marks awarded by a



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factor representing its importance – or “weight”. They do not necessarily correspond to the actual marks obtained by the candidate. There is nothing on record, on the basis of which the Court could come to even a *prima facie* finding that the weighed marks of 21 granted to the petitioner against the “Presentation” component of her major project was wrong and that she should have been awarded weighed marks of 28. I do not deem it necessary, or appropriate, in the absence of any such allegation in the writ petition, any documents to support such a case, or any such allegation in any of the representations made by the petitioner, to enter into this dispute. The petitioner cannot seek to make out a case which has not even been represented to the respondent, much less pleaded in the writ petition.

30. There is, therefore, even on merits, no case made out for grant of relief d. in the writ petition, which is for re-evaluation of the petitioner’s project in her fourth semester.

31. For the aforesaid reasons, the Court regrets that it is not in a position to come to the aid of the petitioner. The facts on record do not make out a case for grant of any of the reliefs sought in the writ petition.

32. The writ petition is accordingly dismissed with no orders as to costs.

33. At this juncture, Mr. Jha prays that the petitioner may at least be permitted to re-do her fourth semester, so that the years of study which



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she has undertaken may not go in vain. It is a fair request, and Ms. Gupta also submits, with equal fairness, that, if the petitioner makes a request to that effect to the TSAS, the request would be favourably considered.

34. It is ordered accordingly.

C.HARI SHANKAR, J

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