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

\+ W.P.(C) 15862/2024

VINOD KUMAR PHOOLCHAND RAM .....Petitioner

Through: Mr. Rahul Sharma, Adv. (Thr. VC) with Ms. Jyoti Sharma, Ms. Shreya Sinha, Mr. Amritesh Raj, Ms. Sonika Rathore and Ms. Madhur Sapra, Advs.

versus

ALL INDIA COUNCIL FOR TECHNICAL EDUCATION (AICTE) .....Respondent

Through: Mr. Anil Soni, St. Counsel with Mr. Devvrat Yadav, Advs.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

O R D E R

% **14.11.2024**

CM APPL. 66589/2024(Exemption)

1. Exemptions allowed, subject to all just exceptions.

2. Application stands disposed of.

W.P.(C) 15862/2024

3. Heard learned counsel for the petitioner, who is appearing through video conferencing mode.

4. The relief sought in the petition relates to directions to the respondent-AICTE to treat and accept the marks obtained by the petitioner, i.e., 39.52 as 40% as per the principle of rounding off marks, to the extent of less than 0.50%.

5. It is seen that under almost similar circumstances, this Court *vide* decision dated 03.08.2023 passed in W.P.(C) 9628/2019 titled as ***Manoj Kumar and Anr. v. All India Council for Technical Education (AICTE)***, considered the peculiarity of the facts and circumstances and in terms of Paragraph No. 37, the AICTE was directed to treat the petitioners therein, as qualified while extending the benefit of rounding of their marks from 39% to 40%.

6. In paragraph No. 29 of the aforesaid decision, this Court took note of the fact that the petitioners, therein, would not get any advantage of employment or admission as the examination in question, where, the rounding off was sought, was only a test of ability. In the aforementioned paragraph, the Court made the following pertinent observations:-

> *"29. There can be no gainsaying that the present case requires consideration on the basis of the peculiar facts and circumstances existing herein. As it has been noted above, the petitioners, on the basis of the rounding off, would not get any advantage either of employment or of admission, as the concerned examination is only a case of test of ability. Therefore, it seems that there are no competing interests involved which would substantially jeopardize the interest of any party if the principle of rounding off is applied in the case of the petitioners."*

7. The facts manifest in the case of ***Manoj Kumar*** would indicate that the petitioner and the other candidates therein, had completed their undergraduate course from distance learning from their respective Universities, and those universities were amongst the listed deemed to be Universities who were duly granted *ex post facto* approval by the Universities Grants Commission (UGC). However, in the case of ***Orissa Lift Irrigation Corporation Limited v. Rabi Sankar Patro and Ors*** [1], the

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[1] (2018) 1 SCC 468

Supreme Court set aside the decision of the UGC for granting *ex post facto* approval, and many of the candidates in the meantime got employed at various places.

8. This Court in the case of ***Manoj Kumar*** was, therefore, of the considered opinion that in view of similar decisions, passed by different High Courts, the case of the petitioner therein, was required to be adjudicated keeping in mind the peculiarity of circumstances. Accordingly, the necessary directions allowing rounding off were passed.

9. Relying on the decision taken in the case of ***Manoj Kumar***, various orders came to be passed, including in the W.P. (C) No. 1807/2024 titled ***Yoginder Singh Malik vs. All India Council for Technical Education,*** wherein, similar benefit was also extended to the aggrieved petitioner.

10. In view of the aforesaid, this Court finds that the petitioner herein, is similarly situated and, accordingly, respondent-AICTE is directed to treat the petitioner as qualified while extending the rounding off benefit and treating the marks of the petitioner from 39.52 % to 40%. In addition, it is also directed that all consequential benefits, thereto, also be extended to the petitioner, herein.

11. With the aforesaid, the instant petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J

NOVEMBER 14, 2024
aks/mjo