



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

LPA-2770-2024 (O&M)

Date of Decision: 01.09.2025

MAHARISHI DAYANAND UNIVERSITY AND ANR

...Appellants

Versus

ASHOK SINGH AND ANOTHER

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Vikas Chaudhary, Advocate, for the appellants.

Mr. N.K. Chhokar, Advocate, for respondent No.1.

HARSIMRAN SINGH SETHI, J. (ORAL)

1. In the present appeal, the challenge is to the order dated 28.08.2024 passed by the learned Single Judge, by which, the writ petition (CWP-21147-2020) preferred by respondent No.1 has been allowed with the costs of Rs.50,000/- to be paid by the appellant-University and a direction has been given that the degree of respondent No.1 will be treated to have been competed in the year 2015-16, on the ground that the same is perverse to the facts on record.

2. Learned counsel appearing on behalf of the appellant-University submits that in the present case, while respondent No.1 appeared for an examination in subject code 3117 in the year 2015, he was awarded 07 grace marks to clear the said paper, for which grace marks he was not entitled for as in subject code 3114, said candidate had already been given



11 grace marks and more than 12 grace marks in total could not have been given, which fact was ignored by the outsourcing agency, which had been given a contract to compile the examination result. Learned counsel further submits that as and when the mistake came to the notice of the appellant-University, the same was rectified by withdrawing the grace marks given in subject code 3117 but the learned Single Judge has held that the rectification of the result of subject code 3117 without giving notice is incorrect and therefore, the result with the grace marks in subject code 3114 should have been treated to be final so as to treat the award of the B.Tech. degree in favour of respondent No.1 from the year 2015-16.

3. Learned counsel for the appellants further submits that no prejudice has been shown by respondent No.1 for not-serving of the notice, as concededly the grace marks in subject code 3117 were given beyond the entitlement of the candidate. Learned counsel for the appellant further submits that even otherwise, the direction given by the learned single judge that the petitioner should have deemed to have completed his B.Tech. Degree in the year 2015-2016 is incorrect, as he has passed the remaining papers of B.Tech. course in the year 2016-17 hence even otherwise, the degree could not have been granted as per the direction given by the learned Single Judge from 2015-16.

4. Learned counsel appearing on behalf of respondent No.1 submits that respondent No.1 was declared passed in the subject code of 3117 while appearing in the 5th semester of B.Tech. (Civil Engineering)



course in the year 2015, respondent No.1 is entitled to keep the said result intact and the same could not have been withdrawn by the appellant-University on the ground that respondent No.1 was declared passed after the grant of 07 grace marks for which he was not entitled. Learned counsel further submits that though, it is correct that all the papers for giving him the degree of B.Tech (Civil Engineering) were cleared in the session 2016-17, the judgment of the learned single judge can be modified to the extent that the degree should be given from the year 2016-17. Learned counsel respondent No.1 further submits that even otherwise, the subject code of 3117 has again been cleared by the petitioner in the year 2019 and therefore, the directions given by the learned Single Judge were perfectly valid and legal and the appeal filed by the appellant-University may kindly be dismissed.

5. We have heard the learned counsel for the parties and have gone through the record of the case with their able assistance.

6. It may be noticed that a minimum standard of 40 marks has been prescribed for clearing a particular subject by the University, which needs to be adhered to in all circumstances, though the University has a resolution to provide grace marks but the same has to be provided as per the University regulations. Nothing evident has been shown to this court that the 07 grace marks which were provided to the candidate for the subject code of 3117 were in accordance with the rules and regulations governing the said aspect. Rather the appellant-University's stand before the learned Single



Judge as well as before this Bench in appeal is that in the subject code 3117, the candidate was wrongly granted the 07 grace marks so as to clear him in the said subject code which was done by the outsourcing agency. As the said compilation of the result was given to an outsourcing agency and the moment, the said discrepancy came to the notice of the appellant-University, the 07 grace marks were withdrawn so as to treat that the candidate has not cleared the subject code 3117 of 5th semester of B.Tech. (Civil Engineering) for the academic session 2012-2015.

7. It may be noticed that though the grant of hearing before the withdrawal of the grace marks is must but where the said opportunity has not been given, it becomes the duty of the Court to see whether any prejudice has been caused to the concerned students while withdrawing the grace marks or the changing of his result of a particular subject.

8. In the present case, the writ petitioner has not been able to show that the 07 grace marks which were granted to him in subject code 3117 were in accordance with the statute providing the said aspect especially when the appellate herein had clearly demonstrated that the grant of 07 grace marks to respondent No.1 was not correct. It is already on record that the grace marks to the tune of 01% of the total marks can be given and at the most 12 grace marks could be given to the candidate so as to pass an academic year. It may be noticed that for the same year, in the subject code 3114, the respondent candidate was given 11 grace marks to clear the said subject and hence, in the subject code 3117, more than 01 grace mark could



not have been given by the outsourcing agency which was responsible for the compilation of the results, whereas, respondent was given 07 grace marks to pass the said subject code 3117. These facts have gone unrebutted by the learned counsel for respondent No.1 hence, even if an opportunity of hearing would have been given to respondent No.1, he could not have justified the grant of 07 grace marks in the subject code 3117.

9. Further, it may be noticed that by the grant of 11 grace marks, the writ petitioner has been declared successfully passed in the subject code 3114, which result was maintained by the appellant-University.

10. Keeping in the said fact, the respondent No.1 was asked to re-appear in the examination for the subject code 3117 for the 5th semester and cleared the said exam and secured 52 marks in the year 2019 which is an undisputed position and upon clearing of the same, the degree was awarded to him in the year 2019. That being so, when all the subjects were cleared by respondent No.1, the degree has been granted in the year 2019.

11. The error which has inadvertently crept in the judgment of the learned Single Judge is that it is a conceded position that even up to the session 2015-16, the other papers which are required to be cleared for the grant of B. Tech. Degree had not been cleared by respondent No.1. The same were cleared in the session 2016-17 (in March 2017). That being so, the direction given by the learned Single Judge to treat the degree of B. Tech. of respondent No.1 for the session 2015-16 is contrary to the facts which were brought on record and is perverse on the said account.



12. Keeping in view the totality of the facts and circumstances, which were brought to the notice of this Court, the prayer of respondent No.1 that the B.Tech. (Civil Engineering) degree, which he has ultimately passed in the year 2019, should be treated having passed by a deeming fiction from the year 2015-16 cannot be accepted. The judgment of the learned Single Judge is, accordingly, set aside and the writ petition filed by respondent No.1 is dismissed.

13. Pending application(s), if any, stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 01, 2025
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Whether speaking/reasoned	Yes
Whether reportable	No