
(2009) 04 DEL CK 0546

In the Delhi High Court

Case No : Writ Petition (C) 2907 of 2007 and C.M. No. 5452 of 2007

Mohd. Jaseem Khan

APPELLANT

Vs

IGNOU and Others

RESPONDENT

Date of Decision : 02-04-2009

Acts Referred:

Citation : (2009) 04 DEL CK 0546

Hon'ble Judges : S. Ravindra Bhat, J

Bench : Single Bench

Advocate : M. Ahmad, for the Appellant; Aly Mirza, for Resp. Nos. 1 and 2 and D. Stephen K. Yanthan, for Resp. No. 3, for the Respondent

Final Decision : Dismissed

Judgement

S. Ravindra Bhat, J.—The petitioner claims to be aggrieved by the action of the respondents in denying a gold medal to him for the Diploma Course in HIV and Family Education for the term 2004-06.

2. The facts necessary for deciding the case are that the petitioner and the third respondent were admitted to the Diploma course conducted by the first respondent, Indira Gandhi National Open University (IGNOU), a university established by a Parliamentary enactment in 1985. It is claimed that the petitioner obtained a Grade Point Average (GPA) of 4.66 whereas the third respondent had obtained lesser grades, working out to 4.34. It is, alleged that IGNOU declared the result and ultimately held convocation in 2007; its action in awarding the Gold Medal to the third respondent is alleged to be mindless and arbitrary.

3. In support of his claim, the petitioner relies upon a marksheet issued to him on 23.02.2006, which indicated the total GPA average of 29.78. Apparently, this was defective since this did not include the assignment marks awarded for the second year. The University thereafter issued a revised marksheet in which the assignments were marked; his tally of marks improved to 32.65. The third

respondent's grade sheet issued, copies of which have been produced by the petitioner, dated 23.02.2006 and 23.09.2005 reveal that she had been awarded total tally of grades as 30.40. There is actually no difference in the two marksheets; both of them also reflect the same pattern as in the case of petitioner - the assignments for the second year were not reflected.

4. The petitioner, contended that since he had better grades and ranking than the third respondent, the IGNOU'S denial of Gold Medal and the attendant honors, were arbitrary. He had unavailingly represented to the respondents; the latter by letter dated 28.02.2007 rejected the representation.

5. The rejection letter of IGNOU dated 28.02.2007 is in the following terms:

This is with reference to your letter dated 1st February, 2007 addressed to the Vice-Chancellor, IGNOU under RTI Act 2005.

Your case has been examined time and again. In this connection it is stated that your CMA grades were updated after the Convocation and alongwith other students including Dr. Jyotsana Kapil, the awardee of the Gold Medal. It is confirmed that either before the updation of CMA grades or after the updation of the CMA grades Dr. Jyotsana obtained higher grades than you and the comparision of your revised Grade Card with her pre-revised Grade Card is not in order. A copy of her revised Grade Card as well as yours is sent herewith for your perusal.

6. The respondents contend that the initial award of marks in the case of both the petitioner and the third respondent were erroneous since the assignments for the second year had not been shown in the marksheet. The IGNOU contends that once revision took place, the respondents tally of grades increased to 34.13 where the petitioner's tally grades was 32.65. According to the respondents the petitioner is premising his claim on a mistaken assumption that his revised grades are better than the pre-revised grade of Respondent No. 3 which is not accurate.

7. The Court has considered the materials on record. The total tally of grades of the petitioner and the third respondent may be seen by following chart:

marksheet	Party	Date	of
revised	Petitioner	23.02.2006	Pre-
15.02.2007	Revised		Petitioner
32.65			
Pre-revised	Respondent	No. 3	23.09.2006
			30.40
Respondent	No. 3	15.02.2007	Revised
			34.13

8. Now, the petitioner contends having secured GPA of 4.66 and alleges that the Respondent No. 3 secured GPA of 4.34. He is right in so far as securing GPA of

4.66 is concerned; however, comparison made with Respondent No. 3 is not correct since her GPA of 4.34 was prior to the revision; after the revision it stood at 4.87 (i.e. 34.13/7). It is evident, therefore, that the petitioner is trying to make a comparison of two situations which are not similar at all. The Grade Point Average (GPA) secured by him after revision cannot be compared with the pre-revision GPA of the Respondent No. 3, who too received a similar benefit and clearly emerged with a better performance, having a total tally of 34.13 grades.

9. In view of the above discussion, it is evident that there is no infirmity in the respondent's action, awarding Gold Medal to the Respondent No. 3.

10. The writ petition has to, therefore, fail; it is accordingly dismissed, along with the accompanying application.