

(2012) 08 KAR CK 0145

In the Karnataka High Court

Case No : Writ Appeal No. 13 of 2012 (Edn-Res)

Rajeev Ranjan

APPELLANT

Vs

The Registrar Sir Visveshwaraiah Technological University
Jnan Sangama Belgaum and The Principal Sambhram
Institute of Technology M.S. Palya, Bangalore - 97

RESPONDENT

Date of Decision : 13-08-2012

Acts Referred:

Citation : (2012) 08 KAR CK 0145

Hon'ble Judges : Vikramajit Sen, C.J.;Aravind Kumar, J

Bench : Division Bench

**Advocate : Murugesh V. Charati, for the Appellant; K.S. Bharath Kumar,
Advocate for R-1, for the Respondent**

Final Decision : Dismissed

Judgement

Vikramajit Sen, CJ

1. This appeal assails the order of the learned Single Judge who had declined to exercise writ jurisdiction in the facts presented to him. Petitioner/Appellant is demanding grace marks as available in the Gracing Policy adhered to by the Respondents.

GMR-02 reads as follows:

A candidate shall be eligible to a maximum of 5 grace marks, provided,

He/she has failed in only one subject (Pr/Th/Head of Passing) of the examination.

Passes the whole examination by such gracing Gets minimum prescribed marks in the paper/practical and aggregate for passing by such gracing.

2. Petitioner had obtained 47 marks and therefore required three marks to clear the subject "Analog Mixed Mode VLSI Design" of the 6th Semester. When the Writ Petition came up for hearing the Petitioner was permitted to attend the 7th

and 8th Semesters. At the commencement of the hearing we had put it to the counsel for Petitioner to obtain instructions as to whether the Petitioner would be willing to reappear in the Analog Mixed Mode VLSI Design" paper in which he had failed. This was for the reason that while the Petition was pending, the Petitioner had cleared 5th and 6th Semester papers, of which four papers he had failed in earlier. The learned Single Judge has noted that grace marks was available for being granted to the Petitioner only in the event that he had failed in only one subject. This situation was not in existence as on the date on which the grace marks was requested for, since Petitioner had failed in five subjects. It was in this background that we had suggested a via media by enabling the Petitioner to reappear in the Analog Mixed Mode VLSI Design" exam so that he may, through a writ fiat be available to get his degree. For reasons best known to the Petitioner he has declined the offer. We are fully in agreement with the view taken by learned Single Judge, Grace marks cannot be demanded in the manner mentioned in the Writ Petition and the Appeal before us. They are available only if, by granting grace marks, the single or the only paper a particular student has failed may be converted into pass marks. We find no perversity in the order of the learned Single Judge. Appeal is devoid of merits. Appeal dismissed.

Vakalathnama for Respondent No. 1 be filed within one week.