

RAJASTHAN HIGH COURT

Akash Bhandari

Vs.

Jai Narain Vyas University

Civil Special Appeal No. 174 of 2003
(Anil Dev Singh, C.J. Himmat Ram Panwar, J.)

10.03.2003

JUDGEMENT

Anil Dev Singh, C. J.

1. We do not find any error or infirmity in the impugned order passed by the learned single Judge.
2. The appellant appeared in the B.Com. examination and secured 1055 marks out of 1800. On the basis of these marks he was placed in the Second Division. Subsequently, the appellant applied for re-evaluation in one paper of Group-I and two papers of Group-II. While his marks for two papers in Group-II were increased from 45 and 46 to 62 and 56 respectively, in one paper of Group-I his marks were reduced from 48 to 31. Since the appellant secured 31 marks in one paper of Group-I and in case these marks were accepted as his true marks, his result would have been adversely affected, the University therefore, awarded to him 36 marks by virtue of Rule 6 relating to Re-evaluation of the Answer Books, effective from 2000 examination and onwards, as approved by the Academic Council by Resolution No. 31/2000 dated 10th May, 2000.
3. Learned counsel appearing for the appellant submitted that the University ought to have placed the appellant in the First Division since in Group-II he had secured, on re-evaluation, 62 and 56 marks and if these marks are taken into consideration then the appellant would be securing First Position, provided the marks obtained in one paper of Group-I, which was re-evaluated, are considered as 48. This argument of the learned counsel for the appellant is untenable and must be rejected. If the appellant is taking advantage of the increased marks, he must also accept the disadvantage of the decreased marks on re-evaluation.

4. The University acted in accordance with Rule 6 (iii) of the aforesaid Rules by placing the appellant in Second Division and awarding 36 marks to him in the re-evaluated paper of Group-I, in order to enable him to pass the examination in that paper, otherwise he would have failed in the B.Com. Examination. The learned Single Judge was entirely right in taking the view which he took and we have no ground to differ with the same.

5. Accordingly, the appeal fails and is hereby, dismissed.

Appeal dismissed.