

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR

S.B. Civil Writ Petition No.3239/06  
Bharat Lohiya Vs. University of Raj. &  
Ors.

31.5.2007

**Hon'ble Mr. Justice Mohammad Rafiq**

Shri Tarun Jain for petitioner.  
Shri Virendra Lodha for respondent.

This writ petition has been filed by the petitioner with the prayer that the respondent University be directed to add the correct marks of practical awarded to him by Gyan Vihar, School of Engineering and Technology, Jaipur in Third Year B.E. VI Semester, Electrical Communication in the subject of Microwave Engineering II.

Learned counsel for the respondent submits that the College when

it originally sent the practical marks of the entire batch, had indicated the petitioner absent and it by subsequent communication forwarded the marks of the practical with the explanation that due to oversight such marks could not be forwarded earlier but by that time, result of the examination had been declared.

Although the aforesaid college has been impleaded as party respondent but it has chosen not to contest the matter. The University has however not come out with any specific plea that when the respondent College has been recognized by them why should the marks contained in the practical examination sent to it by such college are not accepted if that is due to mistake and

further such version is not believed then, steps as the University has taken against the college.

In the facts of the case, the petitioner who was nearly completion of his degree cannot be penalized for the mistake of the college when he states that he has appeared in the practical examination and was awarded the marks.

The respondents are therefore directed to revise the marks of the petitioner by adding marks of practical examination and issue corrected marks sheet to him.

With these observations, the writ petition is disposed of.

**(Mohammad Rafiq),J.**

**Rs/-**