

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR
BENCH

JUDGMENT

S.B. CIVIL WRIT PETITION No.14851/2011
(Firoz Hasan Vs. State of Rajasthan & Anr.)

Date of Order: **31/10/2011**

HON'BLE MR. JUSTICE ALOK SHARMA

Mr. Laxmi Kant Sharma, for the petitioner.

This writ petition has been filed with the prayer that the respondents be directed to roundoff the petitioner's marks obtained in the Rajasthan Teacher Eligibility Test-2011 (hereinafter referred to as 'RTET-2011') and further that the letter dated 27.09.2011 issued by the Secretary of Board of Secondary Education, Ajmer and Convener of RTET-2011 examination whereby the petitioner has been informed that there is no provision for revaluation of the answer-sheet in RTET examination and consequently the case of the petitioner for revaluation could not be considered be set aside.

I have heard the counsel for the petitioner and perused the writ petition.

So far as the first prayer in the writ petition seeking rounding off the marks obtained by the petitioner in the RTET-2011 examination is concerned, it is evident that

“rounding off” was first a principle of convenience in accounting practice but later imported into law as a principle of necessity and a rule of logic. “Rounding off” however cannot be reduced to an equitable doctrine to make eligible those otherwise ineligible on the marks obtained at an examination. Percentages in decimal points obtained at an exam are not situations unworkable and therefore the principle of necessity cannot be invoked to dictate “rounding off” in all situations. Even otherwise in the facts of the case, it is apparent that the petitioner obtained in RTET-2011 examination 59.33% in first level and 57.33% in the second level. Assuming rounding to be permitted to the percentage obtained in RTET examination by the petitioner, he would fall from 59.33% to 59% in first level examination and from 57.33% to 57% in second level examination. Consequently, far from being a beneficiary even on misapplying the principle “rounding off”, the petitioner would be a loser. The first prayer of the petitioner seeking rounding off his marks both in level first and level second percentages in the RTET-2011 examination is without substance and rejected.

The second prayer of the petitioner is with regard to setting aside the order dated 27.09.2011, issued by the Secretary of Board of Secondary Education, Ajmer

and the Convener of RTET-2011 Examination informing the petitioner that there was no provision of revaluation of answer-sheet in the RTET Examination and such revaluation could not be permitted. The Hon'ble Supreme Court in the case of ***Maharashtra State Board of Secondary & Higher Secondary Education & Anr. Vs. Paritosh Bhupeshkumar Sheth & Ors. [(1984) 4 SCC 27]*** has held that where revaluation is not permitted under the scheme of examination and instructions/guidelines of a particular Board in respect of an examination, it cannot be so directed under the order of the Court. The order dated 27.09.2011 issued by the Secretary of Board of Secondary Education, Ajmer and the Convener of RTET-2011 Examination states that there is no provision for revaluation of answer-sheet of the candidates writing the RTET-2011 examination. The counsel for the petitioner has not been able to point out any such provision. Consequently, the prayer for revaluation of the answer-sheet of the petitioner in the RTET-2011 examination is also unsustainable and is rejected.

For the aforesaid reasons, there is no force in the writ petition. The same is dismissed.

(ALOK SHARMA), J.