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C.A.No. 4986 OF 1999
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L.....I.....T.....T.....T.....T.....T.....T.....J.....
 ITEM NO. 105 COURT NO. 7 SECTION IX

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 4986/1999

Directorate of Tech. Edu. .. Appellant (s)
 Mah. & Anr.
 Vs.

Ravikant M Morwal & Anr. .. Respondent(s)

DATE : 26.7.2001 : This/These matter (s) was/were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
 HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Appellant (s) : Mr. S.V. Deshpande, Adv.

For Respondent (s) : Mr. N.M. Sakhardande, Adv.
 Mrs. Meenakshi Sakhardande, Adv.
 Mr. S.R. Grover, Adv.

UPON hearing counsel the Court made the following
 O R D E R

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 .SP2

The appeal is allowed in terms of the signed order.

.SP1

Charanjit [Om Prakash]
 Court Master

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4986/1999@@
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Directorate of Tech.Edu., Mah. .. Appellants
& Anr.

Vs.

Ravikant M Morwal & Anr. .. Respondents

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The First respondent (hereinafter referred to as the respondent)sought admission to the Second Year Engineering Course(Civil) for the year 1998-1999 conducted by the appellants. The respondent claimed that he had passed Diploma course in Civil Engineering from the Board of Technical Education, Rajasthan.

He obtained 333 marks out of 500 marks aggregating to 66.69% in the third year final examination held in November, 1997. However, average marks secured by him in the overall three years is 59.57 per cent. The requisite qualification for admission to the Second Year Degree Course for the year 1998-1999 in Engineering/ Technology is first Class in the Diploma Course in Engineering/Technology of the Board of Technical Examinations. Since the respondent fell short of 0.43 per cent having secured only 59.57 per cent was not granted admission. He filed a writ petition before the High Court.

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The High Court granted relief to the respondent herein directing the concerned authority to issue eligibility Certificate or first class Certificate to consider the respondent for getting direct admission to Second Year Degree Course in Engineering(Civil) 1998-1999.

It is not clear from the judgment as to what is the rationale upon which such relief could have been granted. It is not clear whether the learned judges proceeded on the basis that 59.57 per cent should be rounded of to 60 per cent or otherwise. The learned counsel for the respondent is not in a position to support this part of the judgment. However, he pleaded that in view of the manner in which rule 9 (2) is framed should be so read as to give benefit to the respondent. In our view that Rule has no relevance in the present

context. Under the circumstances, we find no merit in the writ petition filed by the respondent which ought to have been dismissed. The order made by the High Court is set aside and the writ petition filed by the respondent is dismissed. The appeal is allowed accordingly.

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[S. RAJENDRA BABU]@@
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[DORAISWAMY RAJU]@@
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New Delhi,@@
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July 26, 2001 @@
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