

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

Petition(s) for Special Leave to Appeal (Civil) No.14131/2000

(From the judgement and order dated 12/05/2000 in LPA 91/99
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

RAJESH KUMAR

Petitioner (s)

VERSUS

INSTITUTION OF ENGINEERS (INDIA)

Respondent (s)

Date : 20/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s)

Mr. M.K. Dua,Adv.

For Respondent (s)

Mr. P Addy, Adv.
Mr. Ghanshyam Joshi,Adv.

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

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Special leave granted.

The appeal is allowed and the case is remanded back to
the High Court, in terms of the signed order.

(D.P. WALIA)
Court Master

(S.L. GOYAL)
Court Master

(Signed Order is placed on the file)

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CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@
CC
[arising out of S.L.P.(C) No.14131 of 2000]

Rajesh Kumar ..Appellant(s)

vs.

Institution of Engineers (India) ..Respondent(s)

O R D E R@@
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Special leave granted.

The High Court in this case has proceeded on the assumption, as is evident from the decision of the Single Judge as well as of the Division Bench, that there is no Rule for awarding grace marks. In the affidavit-in-reply filed in this Court, it has been stated that there is a Rule with regard to grace marks which was first introduced in 1962 and has subsequently been revised by a Resolution passed in 1990. This fact should have been brought to the notice of the High Court and the High Court should have applied its mind & examined whether any benefit can be granted to the appellant.

We, accordingly, allow this appeal, set aside the judgment of the High Court and remand the case back to the High Court for a fresh decision keeping in view the affidavit-in-reply filed in this Court. The respondent shall place before the High Court the relevant Rules pertaining to granting of grace marks.

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.....J.
(B.N. KIRPAL)

New Delhi;
April 20, 2001.

.....J.
(RUMA PAL)