

Rounding-off the marks not permissible

In THE REGISTRAR, RAJIV GANDHI UNIVERSITY v. G. HEMLATHA, CIVIL APPEAL NO. 5992 OF 2012 (Arising out of Special Leave Petition (Civil) No. 8442 of 2011), decided on 23 August 2012, the Hon'ble Apex Court considered whether the authorities can round-off of the percentage of marks obtained by a candidate, so as to make him eligible to get admission to post-graduate course? It was held by the Hon'ble Supreme Court as under:

SUPREME COURT OF INDIA

Bench

Hon'ble Mr Justice A.K. PATNAIK

Hon'ble Mrs Justice RANJANA PRAKASH DESAI, J.

“8. In Orissa Public Service Commission and Another v. Rupashree Chowdhary and Another (2011) 8 SCC 108, this Court in somewhat similar fact situation considered whether the eligibility criteria could be relaxed by the method of rounding-off. The Orissa Public Service Commission published an advertisement inviting applications from suitable candidates for the Orissa Judicial Service Examination, 2009 for direct recruitment to fill-up 77 posts of Civil Judges (JD). Pursuant to the advertisement, the first respondent therein applied for the said post. She took the preliminary written examination. She was successful in the said examination. She, then, took the main written examination. The list of successful candidates, who were eligible for interview, was published in which the first respondent's name was not there. She received the mark sheet. She realized that she had secured 337 marks out of 750 i.e. 44.93% of marks in the aggregate and more than 33% of marks in each subject. As per Rule 24 of the Orissa Superior Judicial Service and Orissa Judicial Service Rules, 2007 (for short 'the Orissa Rules')¹, the candidates who have secured not less than 45% of the marks in the aggregate and not less than a minimum of 33% of marks in

each paper in the written examination should be called for viva voce test. Since the first respondent therein had secured 44.93% marks in aggregate she was not called for interview/viva voce. The first respondent approached the Orissa High Court. The High Court allowed the writ petition. The appeal from the said order was carried to this court.

After considering the Orissa Rules, this court held that Rule 24 thereof made it clear that in order to qualify in the written examination a candidate has to obtain a minimum of 33% marks in each of the papers and not less than 45% marks in the aggregate in all the written papers in the main examination. This court observed that when emphasis is given in the rule itself to the minimum marks to be obtained, there can be no relaxation or rounding-off. It was observed that no power was provided in the statute/rules permitting any such rounding-off or giving grace marks. It was clarified that the Orissa Rules are statutory in nature and no dilution or amendment to such rules is permissible or possible by adding some words to the said statutory rules for giving the benefit of rounding-off or relaxation.

10. No provision of any statute or any rules framed thereunder has been shown to us, which permits rounding-off of eligibility criteria prescribed for the qualifying examination for admission to the PG course in M.SC (Nursing). When eligibility criteria is prescribed in a qualifying examination, it must be strictly adhered to. Any dilution or tampering with it will work injustice on other candidates. The Division Bench of the High Court erred in holding that learned Single Judge was right in rounding-off of 54.71% to 55% so as to make respondent 1 eligible for admission to PG course. Such rounding-off is impermissible.”
