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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 14252/2022 & CM No.43514/2022
ANIL KUMAR Petitioner

Through: Mr. Rohit Sharma, Adv.

Versus

HIGH COURT OF DELHI Respondent

Through: Mr. Gaurav Agarwal, Adv.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **07.10.2022**

CM No.43515/2022 (for exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The petitioner has filed the present petition, *inter alia*, praying that the respondent be directed to declare the petitioner as qualified in Delhi Higher Judicial Services (Mains) Examination (Written) – 2022.
4. The petitioner could not clear the said DHJS (Mains) Examination and has been declared unsuccessful solely for the reason that the marks secured by him in Paper-I (GK and Language) are below the specified threshold of 45%. The petitioner has obtained 67 marks out of the maximum of 150 marks and, therefore, has failed to meet the threshold required for being admitted to the next stage of the examination – *viva voce*.
5. It is the petitioner's case that none of the marks awarded against his answers are in fractions; therefore, his marks for Paper-I are required to be rounded off.

6. This Court would have acceded to the said request of the petitioner but for a specific provision contained in Delhi Higher Judicial Services Rules, 1970, which prohibits rounding off of marks. Paragraph XIII of the Appendix to the said Rules reads as under:

“[XIII. PROHIBITION ON ROUNDING-OFF MARKS

Rounding-off of marks at any stage of the examination shall not be permissible. No request for rounding-off of marks at any stage shall be entertained and the same shall be liable to be rejected without any notice to the candidates.”

7. In view of the specific provision, this Court is unable to grant the relief as sought for by the petitioner.

8. The petitioner had also approached the Supreme Court by filing a writ petition [W.P.(C) No.739/2022 captioned *Anil Kumar v. High Court of Delhi*] seeking similar reliefs as sought in the present petition.

9. The aforesaid petition was dismissed by an order dated 16.09.2022, whereby the Supreme Court has, *inter alia*, held that “*It is a hard case, but there is little we can do. Thus, we have to dismiss it albeit, with a heavy heart. Ordered Accordingly.*” We do the same with equally heavy hearts.

VIBHU BAKHRU, J

AMIT MAHAJAN, J

OCTOBER 7, 2022

‘gsr’