ORDER SHEET
IN THE ISLAMABAD HIGH COURT, ISLAMABAD
JUDICIAL DEPARTMENT

W.P. No.310/2019
Khayam
Versus
Pakistan Institute of Development Economics through its Vice Chancellor and others

S. No. of order / proceedings	Date of order/ Proceedings	Order with signature of Judge and that of parties or counsel where necessary.
	25.01.2019	**Mr. Asad Ullah Khan, Advocate for the petitioner.**

Through the instant writ petition, the petitioner, Khayam, impugns (i) respondent No.1's letter dated 21.12.2018, whereby his application granting him 5.5 marks as grace marks, was turned down, and (ii) notice dated 09.10.2018, whereby respondent No.1 called upon him to vacate the hostel.

2. Learned counsel for the petitioner submitted that the petitioner was registered in the Department of Development Studies at the Pakistan Institute of Development Economics/respondent No.1 in 2016 for M.Phil; that in the first semester (Fall 2016), the petitioner could not sit in the examination for one of the four subjects; that consequently, the petitioner was marked fail in the subject of Gender and Development; that the petitioner's GPA for the semester (Fall 2016) was 2.04; that the petitioner was kept on probation for further semesters; that in the examination of the second semester, the petitioner secured a GPA of 2.79 having taken one extra subject of Econometrics; that in the third semester, the petitioner secured a GPA of 3.80 having opted for the subject of Development Economics; that in the fourth semester, the petitioner secured a GPA of 2.13; that according to the rules, if a student can gets 2.5 GPA in any two semesters throughout the degree, he is to be

dropped/ceased from the Institution; that the petitioner applied to respondent No.1 for 5.5 marks to be given to him as grace marks so that his GPA is increased and he is safe from being dropped; that the petitioner should have been given the said grace marks on humanitarian grounds; that the petitioner submitted a representation on 03.09.2018 to respondent No.1, but vide the impugned letter dated 21.12.2018, the said representation was turned down; and that the petitioner has also been asked to vacate respondent No.1's hostel. Learned counsel for the petitioner prayed for the writ petition to be allowed in terms of the relief sought therein.

3. I have heard the contentions of the learned counsel for the petitioner.

4. For a student to continue with his studies at the Pakistan Institute of Development Economics/respondent No.1 has GPA must not fall below 2.5 in any two semesters. It is an admitted position that the petitioner's GPA in two semesters was less than 2.5. In the first semester (Fall 2016), the petitioner's GPA was 2.04 whereas in the fourth semester (Spring 2018), his GPA was 2.13. This caused the petitioner to cease being the student of respondent No.1. If the petitioner was to be given 5.5 marks as grace marks for one of the semesters, he would gain 2.50 GPA and continue to remain respondent No.1's student.

5. The petitioner has taken the position that 5.5 marks should be given to him as grace marks by respondent No.1 on humanitarian grounds so that he can continue with his M.Phil studies. Learned counsel for the petitioner has not been able to point out any provision in respondent No.1's rules or regulations providing for grace

marks to be given to any student. In such circumstances, this Court cannot direct respondent No.1 to give grace marks to the petitioner. In the impugned letter dated 21.12.2018, the position taken by respondent No.1 is that the grant of grace marks is not covered under the rules.

6. Learned counsel for the petitioner has placed reliance on the judgment dated 16.08.2017, passed by the Hon'ble Peshawar High Court in writ petition No.2960-P/2017, wherein a direction has been given by the said High Court to the Khyber Medical University to consider and decide the petitioner's application for the grant of grace marks. In the case at hand, the petitioner's application for the grant of grace marks has already been decided in accordance with the applicable rules. I find no plausible reason to interfere with the said decision of respondent No.1.

7. Grace marks can only be given by an educational institution to a student only if there is a specific provision in the applicable Rules/Regulations or Statutes authorizing such an institution to grant grace marks to students. In the absence of such a provision, the High Court would be bereft of jurisdiction to direct an educational institution to even consider granting grace marks to any student. In the case of Sajid Bin Nawaz Vs. Punjab University (2001 CLC 433), the Hon'ble Lahore High Court disposed of the writ petition directing the Board of Examiners of the University of Punjab to decide the question whether grace marks could be given to a student. In the said case under Regulation No.36 of the Calendar of the Punjab University, grace marks could be

given to a student. This makes the said case distinguishable from the instant one.

8. In view of the above, I do not find any merit in this petition, which is dismissed in *limine*.

(MIANGUL HASSAN AURANGZEB)
JUDGE

Qamar Khan*

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