

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19070 of 2013

1. Vijay Kumar Yadav Son Of Shri Surya Narayan Yadav Resident Of Village Harihara Basantpur, P.S. Pato, District - Saptri, Nepal

.... Petitioner/s

Versus

1. The Vice Chancellor L.N.Mithila University , Darbhanga, District - Darbhanga
2. The L.N. Mithila University Through Its Registrar, Darbhanga, District Darbhanga
3. The Examination Controller, L.N. Mithila University, Darbhanga District - Darbhanga
4. The Vice-Chancellor, B.N. Mandal University, Madhepura, P.S. And District - Madhepura
5. The B.N. Mandal University Through Its Registrar, P.S. And District - Madhepura
6. The Examination Controller, B.N. Mandal University Madhepura, P.S. And District - Madhepura

.... Respondent/s

Appearance :

For the Petitioner/s :	Mr. Braj Kishore Singh Chouhan
For the L.N.M.U.:	Ms. Binita Singh
For the BN Mandal University:	Mr. Raju Giri

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 27-08-2015

27.08.2015

Heard learned counsel for the parties.

Petitioner has filed the writ application for quashing of Annexure-1, dated 07.07.2012, by which the respondents have rejected the prayer of the petitioner to declare his results of BA Part-I and Part-II examination as well as to issue his graduation degree. Annexure-1 is a detailed order which has been passed after giving due opportunity of hearing to the petitioner in terms of the previous direction issued in C.W.J.C. No. 5136 of 2010, which was also a writ of the petitioner for similar kind of

relief.

Annexure-1 talks for itself. What is of significance is that this order has been passed after giving due opportunity of hearing to the petitioner. However, the evidence and facts being what they are, the respondent authorities were left with no option but to hold and declare not only that the previous provisional certificate and mark-sheet were forged and that the petitioner did not have a right for declaration of his result in the controversial circumstances as to the papers for which he had appeared and for which the results have to be declared.

It is a unique kind of case for the reason that petitioner started his career as a student of L. N. Mithila University, Darbhanga, but due to bifurcation of the university part of his education is completed in B. N. Mandal University. This could have emboldened the petitioner in taking a chance thinking that the records may not be readily available with the respondent authorities of the two universities where he can encash and take advantage of what the petitioner may have done as a examinee of two universities at the relevant time.

A detailed counter affidavit on behalf of B. N.





Mandal University after due service has been filed where the entire narration of facts, the conduct of the petitioner, his enrollment as a BA (Hons.) candidate and the papers which he has initially opted, has been talked about. They have also taken a stand that half way down the course of study, how he changed the subject contrary to the regulation. A copy of the regulation has also been annexed and thereafter the various other communications and yet another earlier enquiry committee report are all part of the counter affidavit.

In these controversial circumstances and the track and field records of the petitioner being what it is there cannot be any occasion for this Court to pass any order in favour of the petitioner for declaration of his results. The petitioner must suffer for his sins and his act. This Court cannot bail him out in the circumstances, which has emerged after due enquiry and hearing, not once but more than once.

Before parting counsel for the petitioner in supplementary affidavit has made a statement that the facts are still verifiable after having a look at the TR Register where certain entries etc. were made.

Reading of Annexure-1 as well as the counter affidavit with annexures it clearly indicates as to what

has transpired, petitioner cannot hang on to the last stroke of submission to save himself from the sinking situation.

Writ application is dismissed being devoid of merit.

(Ajay Kumar Tripathi, J.)

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