

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 10623 of 2008

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Jaimala Kumari, Daughter of Sri Shiv Shankar Sah, Resident of Village – Paharpur Bazar, PS – Paharpur, Police Station – Bakhtiyarpur, District - Saharsa
.... Petitioner/s

Versus

- 1 B N Mandal University, Madhepura through its Registrar
 - 2 The Vice Chancellor, B N Mandal University, Madhepura
 - 3 The Registrar, B N Mandal University, Madhepura
 - 4 The Controller of Examination, B N Mandal University, Madhepura
- Respondent/s
- =====

CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH

ORAL JUDGMENT

Date: 27-04-2015

Heard the counsel for the B N Mandal University (for brevity, *the University*).

2 By this writ petition, the petitioner has sought a direction to the University to issue final certificate evidencing that the petitioner had passed her Bachelor of Science (Zoology Honours) Examination in the year, 1999. She has clearly averred in the writ petition that she was a full time student of D C Degree College (for brevity, *the College*), Simri Bakhtiarapur, Saharsa for B Sc (Zoology Honours) in respect of Sessions 1996-1999. As a student, she was duly registered through the aforesaid College with the University. In the University Examinations conducted in the year 1997, she cleared her B Sc (Honours) Part I Examination. In the University Examination conducted in the year 1998, she appeared for B Sc (Honours) Part II Examination. She passed in all subjects except



Botany and Chemistry. In 1999, she appeared in the University Examination and passed in all the papers in respect of B Sc (Honours) Part III. Subsequently, as per University's communiqué dated 09.11.2006, she was permitted to appear in B Sc Examinations in the year 2005 to clear her two remaining papers of Botany and Chemistry which she had not cleared while taking her University Examinations of B Sc Part II. In this examination conducted in 2005 by the University, she cleared these two papers even. Thus, having cleared all the papers, she was declared passed in 02nd Division having obtained B Sc (Zoology Honours) Degree. She was issued marksheet on 18.09.2007 and provisional graduation certificate of B Sc (Honours) Examination, 1999 on 04.10.2007 by the University. The marksheet and the provisional certificate are annexed as Annexure 3 series. She then applied for final certificate of Graduation which is not being given and that has brought her to this Court.

3 This writ petition was filed in the year, 2008. There is no counter affidavit by the University till date. However, the learned counsel for the University has received instructions. The instructions are that apparently the College, through which the petitioner studied and gave her University Examination, was not affiliated and it is this reason because of which the final certificate is not being issued.

4 Having considered the matter, in my view, it is too late in

the day to even take up this issue. There is no dispute that the petitioner completed her course of study and was permitted to take her examination by the University. The Examinations were conducted by the University. The results were declared by the University. Marksheet and provisional certificate were issued by the University. There is no dispute that this was not in pursuant to any order or direction of any Court or any authority. That being so, at this late stage, in my view, University cannot take this plea. Having conducted the examination, permitted the petitioner to take the examination, declaring her results, now the certificate cannot be withheld.

5 I may refer to several similar orders passed in several cases by different Benches in relation to the same University wherein similar plea was taken by the University and rejected by the Court. They are annexed to the writ petition itself.

6 In that view of the matter, the writ petition is allowed. University is directed to forthwith issue final certificate to the petitioner within two months from today.

(Navaniti Prasad Singh, J)

M.E.H./-

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