

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.9 of 2016
IN
Civil Writ Jurisdiction Case No. 20286 of 2011**

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1. Maruti Nandan Bhardwaj son of Shri Surendra Bhardwaj resident of village Bhobhi P.S. Nagar Nausa Via Hilsa, District- Nalanda, PIN 801302

.... Appellant/s

Versus

1. The Patna University, Patna through its Vice-Chancellor
2. The Vice Chancellor, Patna University, Patna
3. The Registrar, Patna University, Patna
4. The Controller of Examinations, Patna University, Patna
5. The Head of the Post Graduate Department of Sanskrit, Patna University, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dr. Mayanand Jha

For the Respondent/s : Mr. Digvijay Singh

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH)

Date: 22-12-2016

Heard learned counsels for the appellant and respondents.

The present Letters Patent Appeal preferred under Clause 10 of Patna High Court Rules is directed against the order dated 6.8.2015 passed in C.W.J.C. No. 20286 of 2011 by the learned Single Judge whereby the writ application, filed with prayer for setting aside the decision of Patna University communicated vide letter no. 12566 dated 5.9.2011 that the writ petitioner cannot be granted Rank Certificate and Gold medal for standing first in first



Class in M.A. Sanskrit Examination, 2009 on the ground of his not being a regular student, has been dismissed. Further prayer in the writ application was for issuance of a direction to the University to grant Rank certificate and Medal as per regulation.

The learned Single Judge held that the rationale and reasoning for such grant of Gold Medal or Certificate are cogent and valid. These Certificates and Medals are required to be given only to the regular students of University and not to private students but since the appellant passed as a private student, hence no interference is warranted with the order of the University.

It is submitted by learned counsel for the appellant that the appellant took admission in M.A. Sanskrit in 2005-07 session with group D (Poetry & Literature). The appellant appeared at M.A. Part I examination, 2006 but could not appear in three papers due to illness and appeared at the M.A. Part II examination 2007. The appellant was declared to have passed in first class as per the Regulation of the University and was accordingly issued marks-sheet in two parts. Thereafter, the appellant sought permission of the University to appear at M.A. Sanskrit Examination in session 2007-09 with changed Group E (Philosophy) and the University granted such permission to the appellant along with other students. Thereafter, the appellant appeared in M.A. Sanskrit Part I and Part II Examination 2009 and obtained 540/800 and 631/800 respectively (average 73.19%). The



appellant stood first in first class, hence he was entitled to get Gold Medal and certificate as per Chapter VIII (1) 1 (13)(2) of the Patna University Regulation applicable from Session 200-2002 for Masters' of Arts, Science and Commerce.

The appellant applied for Rank Certificate and deposited requisite fee but the same was not issued when the appellant filed representation and consequently the University rejected his claim vide letter no. 12566 dated 5.9.2011 (Annexure 9 to the writ application) on the ground that the appellant did not pass M.A. Sanskrit examination as regular student. Hence, the present Letters Patent Appeal.

This is not in dispute that the petitioner stood first class first in the M.A. examination not as regular student but as a private student. The regulation of Patna University governing the grant of Rank Certificate and Gold Medal as stipulated in Clause 13(2) reads as follows:

“A candidate who is placed first in the First Class in both Part –I and Part-II examinations taken together in any subject shall be awarded a gold medal and a prize of books of the value of Rs.200/- provided that only one gold medal and one prize will be awarded in a subject common to both the M.A. and M.Sc. examinations on the results of both examinations taken together.”

The above regulation clearly stipulates that such Gold



Medal and Rank Certificate can be awarded to a candidate who is placed first in first class in both part I and Part II examination taken together. Admittedly, appellant as a regular student in academic sessions 2005-2007 did not stand first in first class and subsequently as private student appeared with changed group in Sessions 2007-2009 and then stood first in first class, hence the relevant clause of the circular as quoted above does not apply to the appellant. More over, there is nothing on record to suggest that the University has awarded such Medal or Rank Certificate to any private student. In the circumstances, this Court finds no infirmity in the order of the learned Single Judge.

This Letters Patent Appeal is dismissed accordingly.

(Hemant Gupta, ACJ)

Anil/-

(Dinesh Kumar Singh, J)

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	

