

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13783 of 2014

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Ajay Kumar Singh S/o Shri Bhagwan Singh Resident of Village+ P.O.- Jamorhi,
P.S. Bikramganj, District- Rohtas.

.... Petitioner

Versus

1. Patna University through the Registrar, Patna University, Patna.
2. The Vice-Chancellor, Patna University, Patna.
3. The Registrar, Patna University, Patna.
4. The Controller of Examinations, Patna University, Patna.
5. The Principal, Patna College, Patna University, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Madhu Prasun, Advocate

For the University : Mr. Digvijay Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 11-01-2016

Annexure-3 is the order of the Controller of Examination, Patna University which is dated 02.07.2014. The present petitioner along with two other candidates whose names figure in the said order have been debarred from taking pre-Ph.D. examination of Patna University for ten years.

This order has been challenged by the petitioner on the ground that the order has been passed without giving any opportunity of hearing or show-cause and merely on the basis of a report of the Centre Superintendent which has now been brought on record as Annexure-A to the counter affidavit.

There could have been occasion for the University to take a tough stand against the petitioner or all such persons whose

name figures in the report of the Centre Superintendent contained in Annexure-A but that by itself cannot form the basis for passing such a severe and harsh order without giving any opportunity of hearing to the petitioner.

Since there is violation of the principle of nature justice and it cannot be the case of the respondents that the impugned order is not an order having civil consequences upon the petitioner, impugned order is quashed. Writ application is allowed. However, the respondent-University is given freedom to act in accordance with law by following due process of law.

(Ajay Kumar Tripathi, J.)

Sanjay/-

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