

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.842 of 2016

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Ashutosh Kumar Basant son of Banshidhar Jha Resident of J.M.K. Complex Near
Bus Stand, P.S. K. Hat, District Purnea.

.... Petitioner

Versus

1. B. N. Mandal University, Laloo Nagar, Madhepura, District Madhepura.
2. The Vice Chancellor, B.N. Mandal University, Madhepura, District Madhepura.
3. The Registrar, B.N. Mandal University, Madhepura, District Madhepura.
4. The Examination Comptroller, B.N. Mandal University, Madhepura, District Madhepura.
5. The Principal, Millia Institute of Technology, Rambagh, Purnea.

.... Respondents

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Appearance :

For the Petitioner : Mr. Radha Mohan Singh, Advocate
Mr. Satya Prakash, Advocate

For University : Mr. Mithilesh Kumar Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 01-12-2016

The Court would not like to get into the muckraking as to how the petitioner was allowed to pass the different papers of different years in subsequent year or even after completing the four year course. If what the petitioner did was not permissible in terms of the Regulation of the University, there was also an obligation created upon the University specially the Controller of Examination to raise the red flag at an appropriate and opportune time. No student or a candidate can sit in examination conducted by the University unless the University accepts his form and fee and also issues admit-card for such participation.

2. If there is no control over the affairs of the University



especially in relation to the examination being conducted by B.N. Mandal University by the Controller of Examination then before the Court comes down heavily upon the petitioner, the said authority also must answer by virtue of the position, which he holds. The Court can only dismiss the writ application of the petitioner provided there was no contributory negligence or part played by the Controller of Examination. If the writ is required to be dismissed then exemplary cost is also required to be imposed upon the Controller of Examination but since this does not help the petitioner in any manner who now admittedly has cleared all his papers for all the four years, dragging the controversy any further will serve no one.

3. However, before parting the Vice-Chancellor and the Controller of Examination of the University must re-look into the arrangements including the loopholes of such arrangements so that these kind of disputes do not arise and the students do not get an opportunity to exploit those chinks in the armour and then agitate before the Court for grant of certificates or degrees contrary to Regulation. It is not very difficult to do so in these days of technology.

4. Keeping in mind certain precedents and directions, which have been issued in similar circumstances, one of the decisions being the case of Trilok Kumar and other analogous cases, copy of



which is Annexure-7, the writ application is allowed with a direction upon the respondents that they must issue the necessary certificates and mark-sheet in favour of the petitioner. But steps will be taken by the University to put the system in order within a timeframe preferably within a period of three months from the date of production of a copy of this order. The certificates must be issued no sooner the petitioner applies and pays the requisite fee within a period of four weeks thereof.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
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