

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 1520 of 2011

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Devendra Prasad S/o Late Harihar Mahto, R/o Village - Gopi Bigha, P.O. Tulsi Gadh, Distt. Nalanda, at present resident of Mohalla – Opposite of M.I.T. Telephone Exchange Gate, Bairiya Road, Post Office – M.I.T., Police Station – Brahampura, District – Muzaffarpur, PIN – 842003.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Bihar, Patna
2. The B.R.A. Bihar University, Muzaffarpur , through the Vice Chancellor
3. The Vice Chancellor, B.R.A. Bihar University, Muzaffarpur
4. The Registrar, B.R.A. Bihar University, Muzaffarpur
5. The Controller of Examinations, B.R.A. Bihar University, Muzaffarpur
6. The Principal, Magadh Homeopathic Medical College & Hospital, Bihar Sharif, Nalanda.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar
For the Respondent/s : AC to Addl. Advocate General 5
Mr. Vikash Ratan Bharti

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

17. 19-07-2016 Heard Sri Pramod Kumar, learned counsel for the petitioner, learned A.C. to Addl. Advocate General – 5 as well as Sri Vikash Ratan Bharti, learned counsel, who appears on behalf of respondent no. 2 to 5/B.R.A. Bihar University.

In the present writ petition, a peculiar prayer was made by petitioner i.e. for directing the respondents for re-totaling of his answer-sheets of Materia Medica, I & II theory paper of University Final Examiantion, which was held long back in the year 2000 itself. Thereafter, the petitioner appeared in



compartmental examination in 2001 also, but it has been claimed that though the petitioner had filed petition/representation for re-totaling of his marks and publishing his result, the authority did not take any decision. Finally, this petitioner approached this Court by filing a writ petition, vide C.W.J.C. No. 18283 of 2009, which was disposed of on 18-03-2010 with certain direction to examine the matter and thereafter, the order was passed.

In this case, counter affidavit and supplementary counter affidavits were filed on behalf of University. In supplementary counter affidavit filed on behalf of respondent no. 2 to 5, in paragraph – 5 of the affidavit, it was categorically stated that ***“the Examination Board in its meeting held on 9.04.2016 has resolved to declare the petitioner passed, by awarding average marks. The result in the light of the same shall be published after following due process.”***

Sri Bharti, learned counsel for the University on instruction submits that now in view of submission made in paragraph – 5 of the supplementary counter affidavit, the result has been published and petitioner has been declared passed by awarding average marks. He hands over a photocopy of the marksheet, which has been prepared after granting average marks, to learned counsel for the petitioner.

Since the relief, which has been sought for in the present writ petition, has already been granted, there is no reason to keep the matter pending.

The writ petition stands disposed of.

(Rakesh Kumar, J.)

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