

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 5896 of 2015

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Kumar Avinash, S/o- Sri Dinesh Prasad Ray, R/o Village- Rasulpur Maniyari, P.O.- Chandanpatti, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resource and Education Department, Bihar, Patna.
2. The Vice-Chancellor, Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur.
3. The Registrar, Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur.
4. The Controller of Examination, Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur.
5. The Public Information Officer, Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur.
6. The Principal, G.K.P. College, Karpurigram, Samastipur, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s :

Mr. Prabhakar Dwivedi

Mr. Sanjay Kumar Pandey

For the Respondent/s :

Mr. A. K. Chaudhary, AAG13

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 11-04-2016

Heard learned counsels for the parties.

Petitioner has filed the present writ application, seeking a direction upon the respondents, especially, B.R.A. Bihar University to permit him to sit in the special examination or any special examination to be held by the university, so that he can pursue his studies in B.Sc. (Vocational) Industrial Chemistry (Hons.) under Baba Saheb Bhim Rao Ambedkar, Bihar University, Muzaffarpur. Petitioner was enrolled as a student in the year 2009. He sat for the 1st year examination, but failed in some papers. It is said that thereafter he was unwell, therefore, could not participate in the

special examination, conducted by the university. He wants a direction to conduct a special examination and permit him to participate.

The stand of the university is that one special examination was conducted on the directives of the Hon'ble Chancellor to ensure that the academic calendar is restored, but conduct of special examination is not a norm, but an exception. They, therefore, resist the prayer of the petitioner for any direction of such kind.

In absence of any regulation, having been produced, which creates a right in favour of the petitioner to demand and participate in any special examination, the maximum, which this court would like to permit this petitioner, is to apply for participation in the examination, which are conducted by the university in the normal course of things, so that he could complete his studies, even now, provided no other legal impediment is created in his favour.

Prayer for special examination, therefore, is rejected.

Writ application is disposed off with observation / direction as above.

(Ajay Kumar Tripathi, J)

SKM/-

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