

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14662 of 2015

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1. Pawan Kumar Tribhuwan Son of Late Bhudeo Das resident of village - Kulharia, P.S. Amarpur, District - Banka
 2. Rajeev Ranjan Son of Suresh Singh resident of village - Korath, P.S. Tarari, District - Bhojpur

.... Petitioner/s

Versus

1. The Patna University, through the Vice Chancellor, Patna
2. The Registrar, Patna University, Patna
3. The Examination Contoller, Patna University, Patna
4. The Head & Dean Faculty of Education, Patna University, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nand Pathak

For the Respondent/s : Mr. Digvijay Singh

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 08-02-2016

Heard learned counsel for the petitioner and counsel for the Patna University, which has filed a counter affidavit, negating the claim of the petitioner.

Initially Annexure-1 and Annexure-1/1 was under challenge, issued by the Patna University. During the pendency of the writ application, something more has happened. The communication, dated 16.10.2015 (Annexure – 1) has also been challenged through I. A. No. 214 of 2016. This communication is also under challenge now in addition to Annexure-1 and Annexure-

1/1. The sum essence of the communication contained in Annexure-10 is that the petitioner has not completed minimum 75 per cent of attendance. The attendance is short by miles in the sense that the attendance is only 57.75 per cent and thereafter he has been asked to re-register and continue his Pre-Ph.D. course.

Counsel for the petitioner draws the attention of this Court to the Ordinance and Regulation relating to award of Ph.D. degree, which is Annexure-5. It is his contention that the insurances of the university to have a minimum 75 percent attendance is not borne out from what has been indicated therein in the said ordinance. The requirement of 75 percent attendance is basic requirement for general courses and not for Pre-Ph.D. student, which the petitioner is.

From reading of Annexure-10 as well as the counter affidavit, it is evident that such a requirement has been extended across the board to one and all, including Pre-Ph.D. candidates. Merely because certain aspect of the matter with regard to the said direction had not been noticed or talked about in the guidelines, it does not mean that additional directions or requirements is not needed to be complied or fulfilled. The facts are not in dispute. The binding nature of the direction issued at the level of the Hon'ble Chancellor of the universities of Bihar mandates minimum of 75 per cent attendance even for Pre-Ph.D. candidate.

If this be so, the Court is not willing to read down the said

requirement and allow leeway to any candidate to participate for the
Pre-Ph.D. programme according to his convenience and availability.

Writ application is dismissed, so as the I.A.

(Ajay Kumar Tripathi, J)

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