

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2139 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 12633 of 2015**

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1. The Patna University, Patna through its Registrar.
 2. Vice Chancellor, Patna University, Patna.
 3. Registrar, Patna University, Patna.
 4. Controller of Examination, Patna University, Patna.
 5. Director, M.A. in Social Work, Sociology Department, Patna University, Patna.

.... Appellant/s

Versus

1. Bikash Kumar, Son of Shri Binod Kumar, Resident of South Mandiri, Kathpul, Harijan Colony, Patna.
2. Binay Kumar, Son of Kapil Deo Ram, Resident of Village- Vishnupura, Post- Hisuapur, P.S.- Hisuapur, District- Saharsa.
3. Lucky Kumari, daughter of Shri Narendra Prasad Singh, Resident of B.P. Building, Vidyapati Nagar, District- Saharsa.
4. Rohit Kumar, Son of Shri Ram Narayan, Resident of Ward No. 25, Kurhali Road, Near Bengali Tola, Forbesganj, District- Araria.
5. Sidharth Kumar, Son of Shri Pankaj, Resident of New Colony, Dak Bunglow Road, Bettiah, District- West Champaran.
6. Rekha Kumari, daughter of Shri Sakaldeo Prasad Singh, Resident of Madhuban, Budh Nagar, R. No. 03, Kankarbagh, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Ms. Soni Shrivastava, Advocate

For the Respondent/s :

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 18-11-2016

Heard learned counsel for the parties.

2. The challenge in the present Letters Patent Appeal is to an order passed by the learned single Bench on 5th of April, 2016 in C.W.J.C. No.12633 of 2015 whereby, the University was directed

to evaluate the answer sheets of writ applicants of 4th semester and declare results within a period of 8 weeks.

3. The brief facts leading to the present Letters Patent Appeal is that the writ applicants were admitted for Post Graduate Course in Social Work in Session 2013-2015. The course is of 4 semesters. The writ applicants appeared in the 1st semester examination on 9th of March, 2014, but the result was declared on 12th of May, 2014. The writ applicants could not qualify the 1st semester examination. The writ applicants were admitted to the 2nd semester and appeared in 2nd semester examination on 20th of May, 2014, the result of which was declared on 3rd of July, 2014. The writ applicants were admitted thereafter to the 3rd semester. The writ applicants appeared for the examination on 9.12.2014. It is at that stage, the result of the 3rd semester was not declared. In the meantime, the writ applicants re-appeared for the 1st semester examination on 8.12.2014 which they have qualified.

4. The entire controversy is that whether the appellants could be admitted to the 3rd semester and 4th semester when they had not qualified the 1st semester examination. The fact remains that the writ applicants have since qualified the 1st semester examination and were admitted to the academic course of 3rd semester by the



University without any condition or objection. The writ applicants have not only completed the academic course of 3rd semester, but also that of 4th semester, therefore, the question is whether at this stage the writ applicants could be made to suffer and lose their academic years when they have qualified the 1st semester examination as well as 2nd and 3rd semester examinations.

5. We find that the order passed by the learned single Bench is fair and reasonable passed relying upon a Supreme Court judgment reported in AIR 1976 SC 376 (Shri Krishan v. The Kurukshetra University, Kurukshetra). The learned single Bench has rightly held that the University could invoke its regulations contained in the Ordinance when the writ applicants were being admitted in the 2nd or 3rd semester. We find that the students were admitted not only in the 2nd semester, but also in the 3rd semester even though they had not qualified the 1st semester examination. Since the writ applicants have not withheld any information while seeking admission in the 2nd and 3rd semester academic course, therefore, the consequences of non-compliance with the Ordinance cannot fall on the students.

6. In view thereof, we do not find any error in the judgment passed by the learned Single Bench which may warrant

interference in the present Letters Patent Appeal.

7. The Letters Patent Appeal is accordingly dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

K.C.jha/-

AFR/NAFR	NAFR
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