

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7065 of 2016

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Gyandeep, S/o Abhay Kumar Sinha, Resident of Mohalla- Mali Tola, Station Road,
P.S. Begusarai, District- Begusarai.

.... Petitioner

Versus

1. B. N. Mandal University, Laloo Nagar, Madhepura through its Vice Chancellor.
2. The Vice Chancellor, B. N. Mandal University, Laloo Nagar, Madhepura.
3. The Registrar, B.N. Mandal University, Laloo Nagar, Madhepura.
4. The Controller of Examination, B.N. Mandal University, Laloo Nagar, Madhepura.
5. The Millia Institute of Technology, Rambagh, Purnea through its Principal.
6. The Principal, the Millia Institute of Technology, Rambagh, Purnea.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Sanjeev Kumar, Advocate
For the University	:	Mr. Satyendra Kumar, Advocate
For MIT	:	Mr. Rashid Izhar, Advocate
		Mr. Sharad Shekhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 22-11-2016

Heard counsel for the petitioner, counsel for the University
as well as the private institution, i.e., respondent no.5.

2. The writ application has been filed by the petitioner for a
direction upon the University authorities to declare the result of the B.Tech
4th year examination of the petitioner as he has secured pass marks in all the
papers in the examination conducted by the University. As a corollary he
also wants a direction upon the University to issue him the mark-sheet and
the degree corresponding thereto.

3. The controversy has arisen in the background that the
petitioner was not successful in some paper in the very first year of first
semester. As per Regulation, he was not entitled to be promoted to the

second year or if not at least he was entitled to clear the paper in question, which he failed in the first semester along with papers in the second semester. He completed third semester as well as fourth semester and has completed the course successfully having cleared all the papers.

4. Now that the petitioner has completed the course and he is successful in all the papers by the time he finished his fourth semester, not as a matter of right but keeping in mind that no purpose would be served by withholding the declaration of result of the petitioner as well as some precedent and the direction, which has been issued in a similar writ application relating to many a candidates, which was the case of Nilamber Kumar and others, namely, CWJC No.10676 of 2010 decided on 21.07.2010 by a learned Single Judge, writ is allowed.

5. The rational and reasoning provided in the said order applies to the case of the petitioner. The University authorities will declare his result, issue his mark-sheet and award the degree without further delay.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

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CAV DATE	
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