

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19726 of 2014

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Viveka Nand Das, Son of Dr. Guna Nand, Resident of Village- Birpur, P.S. –
Birpur, District - Supaul

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Patna Higher Education Department
2. The Vice-Chancellor, B. N. Mandal University, Laloo Nagar, Madhepura
3. The Registrar, B. N. Mandal University, Laloo Nagar, Madhepura
4. The Examination Controller, B. N. Mandal University, Laloo Nagar, Madhepura
5. The Principal C. M. Science Degree College, Madhepura
6. The Examination in Charge, C. M. Science Degree College, Madhepura
7. Centre Superintendent, MLT College, Saho

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arpana Kumari

For the Respondent/s : Mr. RAJIV KUMAR SINGH

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 04-02-2016

Heard learned counsel for the parties.

Petitioner filed the writ application for a direction upon the B. N. Mandal University, Laloo Nagar, Madhepura to issue the mark-sheet and certificate of B.A. Part-II examination, held in the year 2001. It is also his assertion that he has also sat for the Part-III examination, but the respondent university despite accepting form and fee and having issued the admit cards had not declared the final results and marks.

The university was directed to file a counter affidavit. They have taken a stand that the petitioner was a private student. The college, in question, to which he supposed to be a student, was a

non-affiliated college and the university has no obligation towards a non-affiliated college, because it is a private institution. How and under what consideration the petitioner asserts of having participated in the examination is not fully explained or understood by the university authorities.

In addition to that they also submit that the present writ application has been filed after more than 13 years. Obviously, there were reasons for the petitioner not to approach a court of law for the relief, which he is looking for now, because at time long delay by itself assures certain litigants that the necessary documentation etc. may not be available to belie the claim of such benefit.

Keeping the above two stands of the respondent-university, which has not been controverted, despite indulgence having been granted to the petitioner earlier, writ application is dismissed.

If the petitioner discovers materials about affiliation of the college in question that may be another issue.

(Ajay Kumar Tripathi, J)

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