

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17567 of 2015

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Manish Kumar S/o Dhirendra Prasad Singh R/o Ward No. 02, Village- Patori, P.S. Singheswar, District Madhepura, Pin-852128.

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary of Bihar.
2. Vice-Chancellor of B.N. Mandal University, Madhepura, Bihar.
3. Pro-Vice-Chancellor of B.N. Mandal University, Madhepura, Bihar.
4. Registrar of B.N. Mandal University, Madhepura, Bihar.
5. Examination Controller of B.N. Mandal University, Madhepura, Bihar.
6. Principal of Parwati Science College, B.N. Mandal University, Madhepura.
7. Secretary, Education Department, Bihar.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. Dhirendra Kumar Sinha, Advocate
For the State	:	Mr. P.K. Singh, S.C.12
For the University	:	Mr. Rajesh Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 06-05-2016

The Controller of Examination, B.N. Mandal University, Madhepura, Bihar has appeared and tenders apology. The apology may not be enough specially when it is because of their omission, negligence or connivance that a candidate who had not qualified in some paper in the first year was allowed to pursue his studies till the final year and also participate in the examination all along but when it came down to declaration of result failure in that paper was held out as a reason for non-award of degree.

The situation has been allowed to be created by the University, the University will be held accountable.

However, to redeem the situation, the petitioner will be permitted to participate in the necessary papers in the ensuing

examination for Part-I which is likely to be held in the second week of June and thereafter his result will be declared based on the performance in the theory and the practical examination.

The Controller of Examination will have to evolve a mechanism in place so that such students would not be permitted to move on to the next higher class if they have failed and are not eligible by such kind of omission, oversight or connivance. They must put some working mechanism and use technology in this regard to prevent such events taking place in future. Such a mechanism is not an impossibility in these days of technology.

The personal presence of the Controller of Examination, B.N. Mandal University, Madhepura stands dispensed with. The order as above may not be treated as a precedent but has been passed in the given facts of the case.

Writ application stands disposed of with the above direction.

(Ajay Kumar Tripathi, J.)

SanjayKumar/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	09.05.2016
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