

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17169 of 2016

=====

1. Purusotam Patel S/o Sri Subhas Singh, Resident of Chanduara, P.O.- Jatcumari,
District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar,
2. Secretary of Education Department, Secretariate, Patna.
3. Vice Chancellor of Magadh University, Bodh Gaya.
4. Examination Controller of Magadh University, Bodh Gaya.
5. Principal of College of Commerce, Patna.
6. Head of the Department of Math, College of Commerce, Patna.
7. Deputy Vice Chancellor, Magadh University, Bodh Gaya.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh
For the State : Mr. S.K.Ranjan, AC to GP-17
For the University : Dr. Kumar Amitesh Chandra

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 29-11-2017

The petitioner was a student of M.Sc (Math), College of
Commerce, Patna of Session 2013-15.

It is his case that in admit card, which was issued in his
name, mistakenly, Chemistry was mentioned in place of
Mathematics, which was, however, corrected and the manual admit
card with the subject Mathematics was issued to the petitioner, on
the basis of which he had appeared in the examination. However,
since no mark-sheet was issued to the petitioner, he was compelled
to file representation. As suggested, the petitioner again appeared
for the 1st Semester of Mathematics examination in the next session,
i.e. 2014-16. He was declared 'pass' in 2nd Semester and 3rd
Semester and, subsequently, in 4th Semester also. He has however
not been issued the pass certificate by the Magadh University, Bodh



Gaya.

A counter affidavit has been filed on behalf of the University stating therein that the petitioner's result was withheld because he had not cleared 1st Semester of Mathematics examination in the Session 2013-15; rather, he appeared in the examination held for the session 2014-16. It is the case of the University that the petitioner ought to have cleared 1st Semester examination of session 2013-15, whereas he cleared 1st Semester examination of session 2014-16. It has also been stated in the counter affidavit that against internal assessment, the petitioner was awarded only five marks, whereas it is the claim of the petitioner that no internal marks of assessment was ever sent to the University by the College.

The University is relying on the Regulation for Semester & Credit System of P.G. courses effective from the Academic Session 2012-13, referring to Clause (d)(VI) thereof. A plea is being taken that if a student fails to score pass marks in the 1st Semester, he is required to clear that paper / papers in the next Semester. Since the petitioner is said to have not cleared 1st Semester of session 2013-15, rather he cleared 1st Semester of session 2014-16, the University is denying the provision of the said Resolution.

It is not apparent from the pleadings on record whether any examination or any separate examination of 1st year 2013-15 was held subsequently, after the main examination for the said



semester was held earlier in which the petitioner failed. The petitioner is said to have cleared the 1st Semester examination of M.Sc (Math), which was held after he was declared 'fail'. If this is correct, then it was not proper for the University to refuse to publish the result.

In the facts and circumstances of the case, I dispose of the writ application with a direction to the Vice Chancellor of the University to consider the case of the petitioner afresh. The petitioner's claim for publication of his result on the ground that he did not appear in the 1st Semester 2013-15 examination and instead, he had appeared in 1st Semester 2014-16, after having failed in his first attempt can be the basis for non publication of result only if the Vice Chancellor is of the view that after the petitioner had taken his first attempt to clear the 1st Semester examination for the sessions 2013-15, a separate examination, in the form of supplementary examination, was subsequently held by the University in which the petitioner deliberately did not appear. The decision must be taken within a period of three months from the date of receipt / production of a copy of this order.

This application is, accordingly, disposed of.

(Chakradhari Sharan Singh, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.12.2017
Transmission Date	04.12.2017

