

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1303 of 2013
IN
Civil Writ Jurisdiction Case No. 10214 of 2012**

=====

1. Md. Tarique Anwar Son Of Md. Mustaque Ahmad Resident Of Village -
Sitanabad Hat Chowk, Via - Chapraon, P.S. - S.B. Pur, District - Saharsa

.... Appellant/s

Versus

1. B.N.Mandal University Through The Registrar, B.N. Mandal University Laloo
Nagar, Madhepura
2. The Registrar, B.N. Mandal University, Laloo Nagar, Madhepura
3. The Controller Of Examinations, B.N. Mandal University, Laloo Nagar,
Madhepura
4. The Officer On Special Duty, Technical, B.N. Mandal University, Laloo Nagar,
Madhepura
5. The Principal, Millia Institute Of Technology, Rambagh, Purnea

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. SHEO JEE MISHRA

For the Respondent/s : Mr. ARBIND KUMAR

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 14-02-2017

I.A. No. 7406 of 2013

1. This interlocutory application has been filed for
condonation of delay of 58 days in filing the appeal.

2. For the reasons indicated therein, the delay is condoned
and I.A. No. 7406 of 2013 is allowed.

Re : **L. P.A. No. 1303 of 2013:**

3. Heard learned counsel for the appellant and learned
counsel for B. N. Mandal University.

4. The Letters Patent Appeal has been filed challenging
the order dated 03.05.2013 passed by the learned Single Judge in



C.W.J.C. No. 10214 of 2012.

5. The learned Single Judge in the peculiarity of the facts and circumstances had given leeway to the appellant, who happened to be the petitioner in the writ application, to approach the Registrar of the University seeking permission to appear in the examination in view of the established fact pleaded that he had only secured 14 marks which was not passing marks in the Instrumentation paper.

6. If the appellant without availing the indulgence shown by the learned Single Judge is expecting the Division Bench to give him pass marks in the paper, then it is a misplaced kind of expectation because the discretion to grant any mark or grant pass marks or any other marks, if at all, lies with the authority and not with the Division Bench.

7. The appeal is, accordingly, dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Amin/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

