

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6429 of 2017

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Pratyush Kumar Singh,, S/o Ram Rup Singh,, Resident of Village+P.O.-
Bharub, P.S.- Obra, District- Auranagabad, State- Bihar, Pin Code- 824124.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Deptt.
2. The Vice Chancellor, Magadh University, Bodh Gaya-824234 Bihar.
3. The Registrar, Magadh University, Bodh Gaya-824234 Bihar.
4. The Controller of Examination, Magadh University, Bodh Gaya-
824234 Bihar.
5. The Principal, Kusum Yadav College, Tarari, Daudnagar, Aurangabad-
824101.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jitesh Singh, Adv.
For the State	:	Mr. Narendra Kumar, AC to GP-20
For the University	:	Mr. Dr. Kumar Amitesh Chandra, Adv.

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT & ORDER

Date : 24-07-2017

The petitioner seeks a direction from this Court to issue
mark-sheet of B.Sc. Part-III (Hons.) Examination, held by the



Magadh University (*hereinafter referred to as the 'University'*).

2. From the pleadings in the writ application itself, it appears that the petitioner had appeared for B.Sc. Part-I and B.Sc. Part-II (Hons.) Examination in the year 2015. This is, thus, an admitted fact that when he appeared for B.Sc. Part-II (Hons.) Examination, he had not passed B.Sc. Part-I (Hons.) Examination. On the basis of pleadings on record, including the counter affidavit filed on behalf of the University, it is apparent that the petitioner had, in fact, not appeared for B.Sc. Part-I (Hons.) Examination and earlier in the year 2015, he appeared for B.Sc. Part-I and B.Sc. Part-II (Hons.) Examinations, both, at the same time. After having appeared in the said examinations, he was given promotion to B.Sc. Part-III (Hons.) Examination, conducted by the University, in the year 2016. The petitioner's result has, however, been withheld.

3. Learned counsel, appearing on behalf of the University, justifying the action of the University, has drawn my attention to the Regulations framed by the Bihar Inter University Board, Patna for Bachelor of Science (General/Honours) Examination (Three Years Degree Course),



Clause 7.1 of which reads thus:-

***“7.1 x x x x x x x x x x x x x x x x
Provided that if a student
fails in, or fails to appear at, not
more than two subjects at the
B.Sc. (General/Honours) Part I/II
examination he shall be promoted
to the next higher class but he
shall not be eligible for admission
to the B.Sc. (General) or B.Sc.
(Honours) Part III class unless he
has passed the B.Sc. (General) or
B.Sc. (Honours) Part I
examination in the
subject/subjects concerned.
x x x x x x x x x x x x x x x x.”***

A close reading of the proviso to Clause 7.1 of the Regulations makes it clear that if a student fails in or fails to appear at, not more than two subjects at the B.Sc. (General/Honours) Part I/II examination, he can be promoted to the next higher class.

4. In the present case, apparently the petitioner failed to appear in more than two subjects and he absented himself altogether from B.Sc. Part-I (Hons.) Examination.



Applying proviso to Clause 7.1 of the Regulations, he could not have been given promotion to B.Sc. Part-II (Hons.). Apparently, he was wrongly allowed to appear for B.Sc. Part-II (Hons.) Examination in the year 2015 on which date, admittedly, he had not cleared B.Sc. Part-I (Hons.) Examination and was not eligible to be promoted to B.Sc. Part-II (Hons.)

5. Having said thus, I do not find any merit in this application. Relief sought for, in the present application, cannot be allowed.

6. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	26/07/2017
Transmission Date	N/A

