

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18939 of 2015

- =====
1. Abhay Kumar Son of Birendra Singh resident of village - Makhdumpur, P.S. Karay Parshuray, District - Nalanda
 2. Sharda Kumari Daughter of Sri Vakil Prasad resident of village - Paharpur, P.S. Bilhta, District - Patna
 3. Vikash Kumar Yadav Son of Ram Tapasya Ray resident of village - Ramanagar Colony, Panchayat Danapur, P.S. Danapur, District - Patna
 4. Satya Narayan Das Son of Kartik Lal Das resident of village - Gargaon Milk, P.S. Bahadur Ganj, District - Kishanganj
 5. Abhishek Kumar Son of Ramu Prasad Sah Resident of Mohalla - Hamam Gali, New Road Chowk, Patna City, P.S. Chowk, Patna City, District - Patna

.... Petitioners

Versus

1. The Nalanda Open University through the Vice Chancellor, third floor, Biscoman Bhawan, Gandhi Maidan, Patna 800001
2. The Vice Chancellor Nalanda Open University third floor, Biscoman Bhawan, Gandhi Maidan, Patna 800001
3. The Registrar, Nalanda Open University, third floor, Biscoman Bhawan, Gandhi Maidan, Patna (Bihar)
4. The Kul Sachiv, Nalanda Open University, third floor, Biscoman Bhawan, Gandhi Maidan, Patna (Bihar)
5. The Examination Controller, Nalanda Open University, third floor, Biscoman Bhawan, Gandhi Maidan, Patna (Bihar)

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate
For the N.O.U. : Mr. Navin Prasad Singh, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT

Date: 04-04-2017

Heard learned counsel for the petitioner and learned
counsel for the Nalanda Open University, Patna.

The petitioners had appeared at B.A.(Hons.) Part-
III examination of 2013, held by Nalanda Open University,
Biscomaun Bhawan, Patna. They were declared pass.
Subsequently, the authorities of the University learnt of large



scale bungling and manipulations in posting the marks of individual candidates in their respective mark-sheets. After having detected this, the University took up remedial measures by putting correct marks in the mark-sheet of the individual candidates and publishing the results, accordingly. The petitioners, who had been passed earlier in the said examination, have now been declared failed on the basis of verification of marks entered in the cross-list of their answer-sheets.

Before altering the result of these petitioners from pass to fail, they were given opportunity of hearing by the University.

The petitioners are challenging the decision of the University of altering their results to their disadvantage on the ground that the action is arbitrary and petitioners cannot be said to be at fault for any mistake or any inaction of the University.

This is not being disputed, however, that the petitioners on the basis of their performance in the examination could not have been declared pass. The factum that there were large scale manipulations and irregularities done in recording entry of marks of individual candidates is not disputed.

My attention has been drawn to a judgment of this Court passed on 25.03.2015, in C.W.J.C. No. 17287 of 2014



(Dimple Kumari and Anr. Vs. State of Bihar and Ors.), whereby in similar circumstance, this Court dismissed the plea of the examinees against similar alteration done by the same Nalanda Open University in the result of B.A. (Hons.) Part-III examination 2013.

In that view of the matter, I find no merit in this application. Accordingly, this application stands dismissed.

(Chakradhari Sharan Singh, J.)

Rajeev/-

U			
---	--	--	--

