

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16551 of 2016

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Doly Kumari, Daughter of Satya Narayan Das, resident of Village-
Rajani, P.S.- Murliganj, District- Madhepura.

.... Petitioner/s

Versus

1. Bhupendra Narayan Mandal University, Madhepura, through its Registrar.
2. The Vice-Chancellor, B.N. Mandal University, Madhepura.
3. The Registrar, B.N. Mandal University, Madhepura.
4. The Examination Controller, B.N. Mandal University, Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh, Adv.

For the Respondent/s : Mr. Shashi Bhushan Singh, Adv.

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

ORAL JUDGMENT & ORDER

Date: 23-06-2017

There are certain facts which are not in dispute.

The petitioner was admitted to the Bachelor of Arts (Hons.)
"Home Science" course in the session 2010-13 of Bhupendra
Narayan Mandal University, Madhepura (*hereinafter
referred to as the "University"*), as student of C.M.Sc.
Degree College, Madhepura, an affiliated college of the said
University.



2. The petitioner appeared for B.A. Part-I examination in the year 2011, but she failed in one of the subsidiary subject "Psychology". She was, however, granted promotion, under the Regulations, to B.A. Part-II. She cleared B.A. Part-II examination in the year 2012 and was promoted to B.A. Part-III. She appeared in B.A. Part-III examination, held in the month of May, 2013 and cleared the papers of B.A. Part-III. After having cleared the papers of B.A. Part-III, she appeared for B.A. Part-I examination in the subsidiary subject "Psychology", in which she had failed earlier. The petitioner is now seeking a direction to the University to published her final result of B.A. (Hons.).

3. This is not in dispute that the petitioner has cleared the said "Psychology" paper of B.A. Part-I. Her result is not being published by the University, on the ground that she was wrongly given promotion to B.A. Part-III, contrary to the provisions under Regulations for Bachelor of Arts (General) Examination of the University. This is also not in dispute that it is mandatory for a student to be promoted to B.A. Part-III that he/she has cleared B.A. Part-I and B.A. Part-II examinations.

4. As is evident from the above, the petitioner, though had not cleared B.A. Part-I examination, was given promotion to Part-III in breach of the said Regulations. On



this ground, the University has refused to publish the B.A. Part-III result of the petitioner since her promotion to B.A. Part-III itself has been found to be contrary to the Regulations.

5. The decision of the University cannot be faulted with in view of unambiguous language of the Regulations. The petitioner, in terms of the Regulations, could not have been promoted to B.A. Part-III course.

6. Learned counsel, appearing on behalf of the petitioner has relied on a decision of this Court, in case of ***Ranjana Gupta Vs. The Patna University & Ors.***, reported in ***2009(4) PLJR 172***, to submit that since no fraud of misrepresentation has been alleged against the petitioner, leading to her promotion to B.A. Part-III course, the University ought not to have withheld her result.

7. Learned counsel, appearing on behalf of the University, on the other hand, has relied on a Division Bench decision of this Court, dated ***07.01.2015***, in case of ***Mihir Kumar Jha Vs. The Bhupendra Narayan Mandal University & Ors.***, passed in ***L.P.A. No. 904 of 2014***, in order to submit that in similar circumstance, the Court refused to interfere, holding that result could not be published in breach of the Regulations.

8. In my view, submission advanced on behalf



of the University has substance. Since the petitioner had not cleared B.A. Part-I examination, she was not eligible to appear for B.A. Part-III examination, as is evident from what has been noted above. Relief as sought cannot be, therefore, granted. Considering the facts and circumstances of the case, as noted above, and the submissions advanced on behalf of the parties, however, I am of the view that since the petitioner has now cleared B.A. Part-I and B.A. Part-II examination, over which there is no dispute, the University should allow her to appear in B.A. Part-III examination, going to be held in the month of August, 2017, for which the process of filling-up of forms etc. has begun.

9. In the peculiar facts and circumstances of the case, while not acceding to the prayer made by the petitioner in the present writ application, it is being disposed of with a direction to the University to allow her to appear in B.A. Part-III examination, going to be held in the month of August, 2017 and published her result accordingly.

10. This application is, accordingly, disposed of.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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