

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.365 of 2016
IN
Civil Writ Jurisdiction Case No. 19665 of 2013**

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1. Nidhi Benipuri, W/o Kartikey Benipuri, resident of Mohalla- Rasulpur Zilani,
P.S.- Kazi Mahmadpur, District- Muzaffarpur.

.... Appellant/s

Versus

1. The Vice Chancellor, B. R. A. Bihar University, Muzaffarpur.
2. The Registrar, B.R.A. Bihar University, Muzaffarpur.
3. The Examination Controller, B.R.A. Bihar University, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shashi Bhushan Singh, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 28-07-2017

Seeking exception to an order dated 27.8.2015 passed
by the learned Writ Court in C.W.J.C. No.19665 of 2013, this appeal
has been filed under Clause 10 of the Letters Patent.

Petitioner appeared in Pre-Ph.D examination for
seeking admission and registration to a Ph.D. course in the B.R.A.
University, Muzaffarpur and when admission was not granted, the
writ petition in question was filed. The learned Writ Court found that
for seeking admission in a Ph.D. course, a candidate should have
obtained minimum 55% marks at Post Graduate level and as the



petitioner was not fulfilling the aforesaid criterion, as she had obtained less than 55% marks, her candidature was rejected and taking note of the Rule position as is detailed in the order, the writ petition has been dismissed.

In doing so, we are of the considered view, the learned Writ Court has not committed any error warranting re-consideration.

The contention of the learned counsel for the appellant to say that the minimum criterion fixed was not for appointment, but was for appointment to the post of Lecturer or Professor, this aspect of the matter has been considered and rejected by the learned Writ Court after reproducing the Rule in the operative part of the order.

That being so, no case for interference is made out in the present appeal.

The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

