

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.174 of 2017

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Dilip Kumar Singh, son of Sri Ram Bachan Singh, resident of Village Naya Bazar, Ward No. 13, P.S. Buxar Town, District- Buxar.

... .. Petitioner

Versus

1. The Veer Kunwar Singh University through its Vice Chancellor, having its office at Ara, Bhojpur.
2. The Examination Controller, Veer Kunwar Singh University at Ara, Bhojpur.
3. The Registrar, Veer Kunwar Singh University at Ara, Bhojpur.
4. The Principal M.V. College, Buxar.
5. The Examination Controller, M.V. College, Buxar.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Aditya Narayan Singh-1, Advocate
For the Respondent/s	:	Mr. P.K. Verma, Senior Advocate
		Mr. Rajesh Prasad Choudhary

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

JUDGMENT AND ORDER
ORAL

Date : 13-02-2018

The present writ application has been filed seeking direction to the respondents- Veer Kunwar Singh University at Ara (hereinafter referred to as ‘the University’) to provide the certificate of B. Sc. Part-III (Math Hons), which examination the petitioner claims to have passed in the month of July, 1997 with first division.

2. It is the petitioner’s case that despite attempts having been taken for issuance of the certificate, the University has not made the same available, which he requires for



submission for the purpose of taking admission to B. Ed. Course. It is his submission that he had filed an application with requisite fee for issuance of the certificate on 08.12.2016, but the University has so far not provided the said certificate.

3. This is to be noted that the present writ application was filed on 10.01.2017. It is the case of the petitioner that he had appeared for the said examination as regular student of M. V. College, Buxar and after having passed the examination he was provided with marks-sheet and College Leaving Certificate, dated 18.12.1997. He had, thereafter, obtained a provisional certificate of having passed the said B.Sc. Part-III (Math Hons) examination, all showing that he had passed the examination with first division. On the basis of the said testimonials, he had taken admission in M. A. Course in the said University, which he passed with second division in the year 2001. According to the petitioner's case, the University has a duty to supply degree/certificate for the said B. Sc. Part-III (Math Hons.) examination.

4. A counter affidavit has been filed on behalf of the University, stating therein that after the petitioner filed his application on 08.12.2016 for issuance of the degree/certificate, the Tabulation Register was examined for the said purpose when



it was noticed that though initially petitioner's result had been published in first class for the Graduation Math (Hons) Examination, 1997 but subsequently his result was corrected in the year 1998, consequent upon which he was declared to have passed in Second Class. The matter was subsequently, placed before the Examination Board in its meeting held on 19.01.2017. The Examination Board upon examining the records found that mistakenly two students, namely, the petitioner and the other Rajesh Ranjan were allotted same Roll No. 3887. This resulted into certain discrepancies and marks allotted in the answer-sheet of two candidates were out of mistake mixed up and wrongly entered. Subsequently, on the basis of answer books of both candidates, the results were rectified and necessary corrections were made in the tabulation register itself in the year 1998. It is the further stand of the University that Examination Board, which is competent to take decision has decided to cancel the marks-sheet and provisional certificate of the petitioner, which was earlier issued and it has also been decided that the result of the petitioner be published on the basis of amended tabulation register.

5. Mr. Aditya Narain Singh, learned counsel appearing on behalf of the petitioner has submitted that



decision adverse to the interest of the petitioner has been taken by the University behind his back and, therefore, the same is in violation of the principles of natural justice. Referring to the entries in the tabulation register showing corrections made in the entries of marks against the names of the petitioner and the other candidate, who was allotted the same Roll number, he has contended that no reason has been noted/recorded in the tabulation register necessitating such corrections. According to him, the recent decision of the University to cancel the petitioner's earlier result and to publish his result by placing him in second division is based on the opinion of the Examination Board, which apparently did not have the occasion to see and verify the answer-sheets of the two candidates. This decision also, according to Mr. Aditya Narayan Singh, is in violation of principles of natural justice as apparently no opportunity of hearing was provided to the petitioner.

6. Mr. P. K. Verma, learned Senior Counsel appearing on behalf of the University, on the other hand, has submitted that this writ application deserves to be dismissed on the ground of delay and laches inasmuch as the petitioner had appeared for the examination in the year 1997, whereas this writ application has been filed nearly twenty (20) years thereafter in



the year 2017. He has submitted that this writ application deserves to be dismissed on this ground alone. He has next submitted that it was a mistake, which had occurred and which the University had rectified in the year 1998 itself. The decision taken by the Examination Board in the year 2017, is just a consequence of removal of the mistake in 1998.

7. From the submission advanced on behalf of the petitioner, it appears that the main apprehension of the petitioner is that his subsequent post-graduate degree may be overshadowed with suspicion. It also appears that the petitioner has been appointed as Teacher and for the purpose of preparation of merit list for the said appointment, the result obtained by the petitioner of B. Sc. Part-III (Math Hons) as earlier made available to the petitioner was taken into account. It is the apprehension of the petitioner that his appointment as Teacher may also be called in question, if the decision of the University to cancel the result is allowed to stand.

8. The petitioner appears to have taken admission in B. Ed. Course in Nalanda Open University. For the purpose of seeking admission to the said course, he had relied on the original mark sheet of B. Sc. Part-III (Math Hons.) Examination. It is, therefore, apprehension of the petitioner that



his admission to the said course may also get disturbed if the decision of the University to cancel his result is not interfered with.

9. There is apparently no dispute about the non-compliance of principles of natural justice inasmuch as the decision to cancel his initial result has been taken behind his back. At the same time, there is lapse on the part of the petitioner also, who has approached this court nearly 20 years after the publication of his result in the year 1997 for issuance of degree/certificate, as has already been noticed above.

10. I would have, in normal circumstance, after having interfered with the decision of the University, remanded the matter back to the University for taking a decision afresh after giving the petitioner an opportunity of being heard. The same, however, will be a futile exercise in view of the lapse of time in the absence of the answer sheets of the said examination.

11. In the peculiar facts and circumstances of the case, without interfering with the decision of the University to cancel the result of the petitioner and to issue fresh result, I have considered it fit, in the interest of justice, to dispose of the writ application with the observation that the said cancellation of result will not in any manner affect the petitioner's admission to



post-graduate course and B. Ed. Course, if, on the basis of subsequent result, it cannot be said that the petitioner was ineligible for the said admissions. The petitioner’s appointment as Teacher may also not be called in question on the said ground because there was no misrepresentation on behalf of the petitioner and even the subsequent result does not make him ineligible for holding the said post.

12. The University is directed to make the petitioner available the necessary degree/certificate on the basis of the revised result, for which the petitioner has already deposited the fees, etc. within one month from the date of receipt/production of a copy of this order.

13. This application stands disposed of.

(Chakradhari Sharan Singh, J.)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07-03-2018
Transmission Date	N/A

