

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2169 of 2018

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Sachin Kumar, Son of Madhusudan Jha, Resident of Village + P.O. Bangaon,
District- Saharsa.

.... Petitioner/s

Versus

1. The Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura, through its Registrar.
2. The Vice Chancellor, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
3. The Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
4. The Examination Controller, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
5. The Principal M.L.T. College Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Pramod Mishra, Advocate
Mr. Arun Kumar, Advocate

For the BNMU : Mr. Pushkar Narain Shahi, Sr. Advocate
Mr. Ritesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL JUDGMENT

Date: 08-05-2018

The petitioner seeks direction to the respondents to publish his result of B.A Honors (Hindi) examination and issue original certificates which according to him has been withheld by Bhupendra Narayan Mandal University, Madhepura (hereinafter referred to as the 'University') without any fault on his part.

2. From the pleadings on record there appears to be no dispute over certain basic facts. The petitioner had earlier taken admission in History (Hons.) course in M.L.T. College, Saharsa, a constituent unit of the University for the Session 2004-2007. After his



admission in the said course, he was registered as student of the University with his Registration No. 1087 of 2005. He, however, did not pursue the said course. Subsequently in the year 2012, he again got himself admitted in the same College this time in B.A. (Honors) in Hindi with Maithili and Political Science as his subsidiary subjects. He was promoted to second year and third year of the course on the basis of his performance in the examination held by the University. He appeared for the third year examination in 2015. His result has, however, not been published. The grounds which have been taken in the counter affidavits filed on behalf of the respondents for denial of publication of result are; (i) The petitioner had taken admission in B.A. (Honors) Hindi Course in 2012-2015 Sessions in M.L.T. College, Saharsa without disclosing the fact that he had earlier taken admission in B.A. (Honors) History Course for the Academic Sessions 2004-2007. (ii) The petitioner could not have opted Maithili as one of his subsidiary papers with Hindi as his Honors paper, in view of the Examination Regulations part of which has been brought on record by way of Annexure-1 to the counter affidavit filed on behalf of the University.

3. Learned counsel appearing on behalf of the petitioner has submitted that no objection was raised by the College when the petitioner was seeking admission to B.A. (Honors) Hindi



Course with Maithili and Political Science as subsidiary papers. He contains that he was allowed to pursue his Course with the above combination of subjects in first year, second year and third year of the course. He submits that after having allowed the petitioner to pursue the course, the University cannot decline to publish the result on the basis that the petitioner could not have obtained Maithili as a subsidiary papers with Hindi as his honors papers. He has also submitted that the petitioner's admission in 2012-2015 in Hindi (Honors) Course with his earlier Registration No. 2187 of 2005, which was already existing, cannot be said to be contrary to any statutory provision. He has submitted that the petitioner cannot be blamed of non-disclosure of his previous admission because of his admission in 2012-2014 was on the basis of the Registration No. 2187 of 2005 and thus it was well within the knowledge of the College and the University also that the petitioner was admitted in the College in the year 2005. Learned counsel for the petitioner has placed reliance on a Supreme Court decision in the case of **Shri Krishan vs. Kurukshetra University, AIR 1976 (SC1) 376** to bolster his submission.

4. Mr. P.N. Shahi, learned senior counsel appearing on behalf of the University has placed heavy reliance on Regulation 4.3 of the Examination Regulations of the University and has submitted



with reference to the said provision that a candidate for B.A. (Honours) Examination could choose one Honours subject and two subsidiary subjects from the following:-

“4.3 (i) A candidate for the B.A. (Honours) examination shall choose one Honours subject and the two subsidiary subjects from following :

1. Any one of the following language & literature subjects: Sanskrit, Prakrit, Pali, Arabic, Persian, Hindi, Bhojpuri, Magahi, Maithili, Urdu, Bengali, Oriya, Nepali, Santhali, Mundari, Ho, Nagpuri, Khariya, Kurukh, Kurmali and English.

2. Ancient Indian History & Culture/Archaeology or Ancient Indian and Asian Studies

3. History

4. Political Science

5. Economics

6. Philosophy

7. Psychology

8. Sociology

9. Rural Economics

10. Labour & Social Welfare

11. Public Administration

12. Buddhist Studies

13. Gandhian Thought



14. Music
15. Home Science (For Women only)
16. Geography
17. Mathematics
18. Statistics and
19. Anthropology

Provided that a candidate shall not choose
(a) Mathematics or Statistics unless he has passed the Intermediate examination in mathematics and
(b) Geography if he has not passed the Intermediate examination Geography; and if he takes up Honours in Statistics he shall choose Mathematics as one of the subsidiary subjects.”

5. Referring to the above provision he contends that a student could choose either of the languages and literature subject as occurring in Item No.1 as Honors or subsidiary subject. A candidate for B.A. (Honors) Examination, according to him could not opt for a combination with two ‘languages and literature subjects’ from Item No.1 above.

6. Though, I find substance in submission made on behalf of the University but from the materials on record and the language used in Clause-4.3 of the Regulations, it appears that there has been bona fide mistake at the level of the College when the petitioner was allowed admission in the Academic Sessions 2012-



2015 for B.A. Honors (Hindi) Course allowing him to pursue Maithili as subsidiary subject. The flaw remained un-detected till the petitioner appeared of the final examination.

7. As regards objection taken on behalf of the University that the petitioner concealed the fact of his previous admission in the Academic Sessions 2004-2007 in B.A. (Honors) History and, therefore, his subsequent admission is illegal is not very convincing to this Court. This is for the evident reason that nothing has been brought to the Court's notice that a candidate could not have taken admission in any subsequent session after lapse of so many years, with different subject and combination. Secondly, learned counsel for the petitioner is correct and his submission that the ground of non-disclosure of previous admission is not sustainable for the simple reason that subsequent admission is with the same Registration No. 2187 of 2005, which the petitioner had been assigned on the basis of previous admission.

8. In peculiar facts and circumstances of the present case since there has been no laches on the part of the petitioner, I consider it to be a fit case for grant of relief as sought in the present application. This application is, accordingly, allowed. Let the petitioner's result be published by the University and necessary marks sheet and certificate be issued in his favour within two months from



the date of receipt/production of a copy of this order. It is indicated that this order has been passed in peculiar facts and circumstances of the case taking into account the language used in the Regulation, mis-interpretation of which appears to be the reason why the petitioner was allowed to take Maithili as one of the subsidiary subjects. This order shall, therefore, not be treated as a precedence.

- 9. The applications stands allowed.
- 10. No order as to costs.

(Chakradhari Sharan Singh, J)

N.H./-R.S.Sen

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	11-05-2018
Transmission Date	

