

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15134 of 2017

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1. Somnandan Kumar son of Ramikabal Sharma, resident of village-Belkhri, P.O. Kazuri, P.S.Karpi, Arwal
 2. Md. Imran Ahmad, son of Md. Sitare Khan, resident of village+P.O. Hirday Chak, P.S. Kaler, Arwal
 3. Md. Shahabuddin, son of Md. Saheb Hussain, resident of Village+P.O. Aarnda, P.S. M.H.Nagar, Siwan

... .. Petitioner/s

Versus

1. The Patna University, Patna through its Registrar
2. Vice-Chancellor, Patna University, Patna
3. Registrar, Patna University, Patna
4. Controller of Examination Patna University, Patna
5. Director, M.A. in Social Work, Department of Sociology, Patna University, Patna

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 18156 of 2017

Rajat Kumar Jha, son of Palatnath Jha, village-Hati, P.O. Sarisub Pahi, P.S.Pandol, Madhubani

... .. Petitioner/s

Versus

1. The Patna University, Patna through its Registrarr
2. Vice-Chancellor, Patna University, Patna
3. Registrar, Patna University, Patna
4. Controller of Examination Patna University, Patna
5. Director, M.A. in Social Work, Department of Sociology, Patna University, Patna

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 15134 of 2017)

For the Petitioner/s : Mr. Abhinav Srivastava

For the University : Mr. Manish Dhari Singh

(In Civil Writ Jurisdiction Case No. 18156 of 2017)

For the Petitioner/s : Mr. Abhinav Srivastava

For the University : Mr. Mr. Manish Dhari Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 27-02-2018 As the issue involved in both the cases is common,



they are being disposed of by the present common judgment and order after hearing the learned counsel for the parties.

The Patna University has framed Regulations for admission in M.A. in Social Work(Semester System) which has been approved by the Chancellor.

The disputes in the present batch of the writ applications relate to interpretation of Clause 7 of the said Regulation. The Regulation 7.1 provides that in order to be promoted from Semester-1 to Semester-II, a student shall have to pass in at least 3 out of 4 papers of Semester-I. It further provides that in order to be promoted from first year to second year, a student shall have to pass in at least 6 out of 8 papers including Semester-I and II. Regulation 7.2 states that a student shall be allowed to appear in the failed papers, whenever the said Semester examination is available for him/her.

The language of the said provision is clear and there is no ambiguity at all. It is clear that if a candidate fails in one of the papers in Semester-I examination, he shall be promoted to Semester-II and in view of Clause 7.2, such student shall be allowed to appear in failed papers whenever the semester examination is available for him/her, meaning



thereby that whenever Semester-I examination is held subsequently in the University, the student shall have the liberty to appear. The same principle will apply for Semester-II. Thus if a candidate fails in one of the papers of Semester-II, he shall be allowed to appear for that paper when the said Semester examination is available.

The petitioners are aggrieved by the decision of the University, whereby their 4th Semester results are not being published on the ground that before they appeared for the 4th Semester examination they had not cleared all the papers for the 1st Semester, 2nd Semester and 3rd Semester. The University has attempted to justify its decision with reference to Clause 7.5 of the said Regulation which reads thus:-

“7.5. A promoted candidate, who has to appear in the examination of a paper, will retain internal assessment marks. In the case of re-admission, the candidates should go through the internal assessment process afresh and shall retain nothing of the previous years. A student shall not be allowed to be admitted in the IV semester unless he/she passes all the earlier semesters.” (emphasis mine)



With reference to the said provision, it is the stand of the University that a student cannot be allowed to be admitted in the 4th Semester unless he/she passes all the earlier Semesters.

Mr. Abhinav Srivastava, appearing on behalf of the petitioners, referring to the said Regulation 7.5, has submitted that the requirement of passing all the papers before admission in 4th Semester is there only in case of re-admission of a candidate. Mr. Srivastava appears to be correct in his submission since relevant portion of Clause 7.5 which has been underlined by me talks of admission in 4th Semester where there is no question of admission when promotion is granted to 4th Semester after clearing the previous Semesters. Regulations 7.1. and 7.2 deal with promotion from one Semester to the subsequent Semester and retention of internal assessment marks in case a promoted candidate is required to appear in the examination of a paper. It is not a case of re-admission where the requirement of passing all the earlier Semesters will arise in terms of Regulation 7.15. Mr. Srivastava has rightly applied the principle of last antecedent as a tool for interpretation of the part of Regulation 7.5 which states that a student shall



not be allowed to be admitted in the 4th Semester unless he/she passes all the earlier Semesters since the case of re-admission precedes the said part.

These applications are, accordingly, disposed of with a direction to the University to publish the result of the petitioners of 4th Semester examination within a period of one month from today which, in Court's view, has been wrongly withheld by incorrect application of Clause 7.5 of the Regulation.

This application is allowed.

(Chakradhari Sharan Singh, J)

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