

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4013 of 2017

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Avinash Kumar Jha Son of Shri Manoj Kumar Jha Resident of Village -
Birsair, P.S. - Sakari, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
2. The Vice Chancellor, Lalit Narayan Mithila University, Darbhanga.
3. The Registrar, Lalit Narayan Mithila University, Darbhanga.
4. The Controller of Examination, Lalit Narayan Mithila University, Darbhanga.
5. The DEAN and the Head of the Department, Biotechnology, Lalit Narayan Mithila University, Darbhanga.
6. The DEAN of Student Welfare Lalit Narayan Mithila University, Darbhanga.
7. Rahul Kishor Jha, P.R.T. Roll No.- BTL160018, Lalit Narayan Mithila University, Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P. Ranjan
		Mr. Ashok Kumar Prasad
For the University	:	Ms. Alka Verma
For the State	:	Mr. Samir Kumar, AC to SC-16
For respondent no.7	:	Mr. Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

7 05-10-2018 Heard learned counsel for the parties.

This writ application has been filed seeking direction to the respondents to admit the petitioner in Pre-Ph.D. Programme (Biotechnology) 2016 in Lalit Narayan Mithila University, on the ground that he was selected by the department of Biotechnology on the basis of the final result declared for the same, which has been brought on record by way of Annexure-2 to the writ application. In the said final result, the petitioner was placed at serial no. 1 against open seats whereas respondent no.



7 was placed at serial no. 5 and was shown as wait-list candidate. It transpires that after publication of result, respondent no. 7 had approached the Vice-Chancellor of the University and the Vice-Chancellor, after considering his representation and taking into account the respective scores of the two candidates, declared the respondent no. 7 to have topped the list and accordingly the result has been revised with the issuance of final result on 15.11.2016, which has been brought on record by way of Annexure-D to the counter affidavit filed on behalf of the University.

A counter affidavit has also been filed on behalf of private respondent no. 7, justifying his selection for admission to Ph.D. coursework.

It appears that the selection Committee while preparing the list of successful candidates, had followed the decision of the Examination Council of the University taken on 27.09.2016, proceedings of which have been brought on record by way of Annexure-A to the counter affidavit filed on behalf of the University. From the said decision, it appears that following was the marks which was decided to be awarded to the candidates against different attributes:-

	<u>“1st Div.</u>	<u>2nd Div.</u>	<u>3rd Div.</u>
“(1) Matriculation	07	06	05



(2) Intermediate	10		08		06
(3) Graduation (Hons./Pass)					
70% and above	65<70	60<65	50<60	45<50	
15	13	11	09	07	
(4) Master Class					
70% and above	65<70	60<65	50<60		
18	15	13	11		
(5) PRT	-	30 Marks			
(6) Viva-voce	-	10 Marks			
(7) Presentation	-	10 Marks			

There is no dispute in relation to assessment of the candidates aspiring for admission in respect of attributes other than the marks to be awarded against the PRT. It is evident from the table, as reproduced herein above, that candidates were to be assessed out of total 200 and out of the said 200 for PRT, a candidate was to be assessed against full marks 30. Instead of awarding the candidate proportionate marks against PRT, the selection Committee had initially awarded uniformly 30 marks to each of the participants who had qualified PRT. Meaning thereby, that each of the candidates was awarded 30 out of 30 in PRT. On the representation filed by the petitioner, this flaw was detected by the Vice-Chancellor and accordingly a revised result was prepared.

This is not in dispute that respondent no. 7 had scored 154 marks in PRT whereas the petitioner had scored 101 out of total 200 marks. The University decided to award the



proportionate marks to the candidates by multiplying 0.15 into the marks scored in PRT by respective candidates, since the marks in PRT were to be awarded to respective candidates out of 30 for the purpose of preparation of the merit list for selection to Ph.D. coursework. The calculation so done has been brought on record by the University, which is part of Annexure-D to the counter affidavit. By applying the said method, whereas the petitioner was awarded 15.15 against PRT, the respondent no. 7 was awarded 23.10. The respondent no. 7, by this method, was awarded 86.10 out of 100 marks, whereas petitioner was awarded 79.65 marks. Respondent no. 7 having found to have scored more than the petitioner was declared as selected and accordingly the revised final result came to be published by the University under the signature of the Head of Department of Biotechnology on 15.11.2016.

Learned counsel, appearing on behalf of the petitioner, has submitted that the petitioner had a right to be heard, if the Vice-Chancellor wanted to revise the final result. In my view, however, selection did not give any right to the petitioner to be admitted against Ph.D. course, which would have required mandatorily to give the petitioner an opportunity of hearing. In any event, I do not find any error in the decision



of the University in revising the final result for admission to Ph.D. course, requiring this Court's interference.

I do not find any merit in this application, which is, accordingly, dismissed.

Let the original records produced by the learned counsel for the University be returned to him forthwith.

(Chakradhari Sharan Singh, J)

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