

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1270 of 2015

IN

Civil Writ Jurisdiction Case No. 1658 of 2014

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1. Rashmi Kumari D/O Gopal Thakur Resident of Mohalla - Amla Tola (Shanti Nagar) , Madhubani , Purnea, P.O.- Madhubani, P.S.- K.Hat, District- Purnea, Pin Code- 854304.

.... Appellant/s

Versus

1. B.N. Mandal University , Laloo Nagar, Madhepura, Bihar through its Registrar.
2. Registrar, B.N. Mandal University, Laloo Nagar, Madhepura, Bihar
3. Principal , Braj Mohan Thakur law College , Purnea, District - Purnea, Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Makardhwaj Upadhyay

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 16-04-2018

Challenge in the present Letters Patent Appeal is to the Judgment dated 12.03.2015 passed by the learned writ Court in C.W.J.C No-1658 of 2014. The learned writ Court has refused to grant the relief prayed by the petitioner by way of a direction to the respondents to rectify the respective records of the college by mentioning the petitioner's correct session of LL.B Part-III which according to her is 2008-09 and not 2011-12 as written in the admit card of the LL.B Part-III examination and the character certificate of the petitioner.



2. It is the case of the petitioner that she was admitted in three years LL.B course in the session 2006-09. She claims that her LL.B Part-I would be in the academic session 2006-07, LL.B Part-II in 2007-08 and LL.B Part-III in 2008-09 but in the admit card of the LL.B Part-III examination which was made available to her two days prior to the date of examination, the date of examination has wrongly been mentioned as 2011-12 in place of 2008-09.

3. It is the stand of respondent nos. 1 and 2 that the petitioner got herself admitted in LL.B Part-I vide receipt no.18591 dated 27.11.2008 for the academic session 2006-07. Since the examination year was running late, therefore, for regularizing the sessions LL.B Part-I examination for years 2007, 2008 and 2009 corresponding to sessions 2006-07, 2007-08 and 2008-09, respectively, examinations were held along with LL.B Part-II and LL.B Part-III Examinations, 2007 commencing from 05.06.2010 as per programme notified vide Memo No. Exam/C-831 dated 29.05.2010. The petitioner did not fill up the examination form of LL.B Part-I examination to be held from 05.06.2010. She appeared in LL.B Part-I examination 2010 which was corresponding to session 2009-10 and was declared passed. She got admitted in LL.B Part-II vide receipt no.20564 dated 20.05.2010 for the session 2007-08 and she filled up examination form/fee for LL.B Part-II examination, 2011



to be commenced from 09.02.2012. Thus, she appeared in LL.B Part-II examination, 2011 and was declared passed in 2nd class. As per regulations provided for LL.B course it is mandatory for admission to LL.B Part-III course that a student must have passed LL.B Part-I examination and have completed LL.B Part-II classes and for appearing in LL.B Part-III examination the candidate must have passed LL.B Part-I and Part-II examinations and have completed the regular course of Part-III classes.

4. Reliance in this regard has been placed on the relevant portion of the regulations which have also been taken note of by the learned writ Court. It is submitted that the petitioner was actually admitted in LL.B Part-III course for the session 2011-12 which is evident from the college receipt dated 14.12.2011 and 01.11.2012.

5. We have heard learned counsel for the parties and perused the records. It appears from Annexure-B series to the counter affidavit filed on behalf of the University (respondent nos.1 and 2) that on 01.11.2012 the petitioner was admitted in LL.B Part-III of session 2011-12. A tabular chart has been enclosed as part of Annexure-B series from which it appears that the petitioner appeared in LL.B Part-II examination, 2011 for academic session 2010-11, held on 09.02.2012, thereafter, she appeared in LL.B Part-III examination



of 2012 pertaining to academic session 2011-12 for which examination was held on 22.01.2013 vide university notification no.021/13 dated 05.01.2013.

6. In the aforesaid view of the matter, which are apparent from Annexure-B series contention of the petitioner that his LL.B Part III session be taken on 2008-09 has no basis to stand. We do not find any illegality in the impugned Judgment of the learned writ Court.

7. The Letters Patent Appeal has no merit and, is, accordingly, dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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