

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11188 of 2017

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1. Sumit Kumar S/o Sri Arbind Kumar Singh, Resident of Village -Rakia, P.S.-Bihra, District-Saharsa.
 2. Arbind Kumar Sahu S/o Sri Shyamakant Sahu, Resident of Village -Arapatti, Via-Mahishi, P.S.-Mahishi, District-Saharsa.

... .. Petitioner/s

Versus

1. The Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
2. The Vice Chancellor, The Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
3. The Registrar, The Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
4. The examination Controller, The Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar Jha
For the Respondent/s	:	Mr. Rajesh Singh
For the University	:	Mr. Mithilesh Kumar Rai

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 20-11-2018 Heard learned counsel for the parties.

2, The petitioners are seeking direction to the respondents to publish their results of BCA (Bachelor of Computer Application) of Session 2012-15. The petitioners claim to be the regular students of Sarva Narayan Singh Ram Kumar Singh College, Saharsa of the said course. It is their claim that that they have cleared all the Semesters successfully and despite that the respondent-University is not publishing their results.

3. A counter affidavit has been filed on behalf of the



University. This is not being disputed that the petitioners were students of the said College pursuing the said course of B.C.A. It is, however, the case of the University that the petitioners had failed in second Semester Examination of June, 2013, which they cleared in May, 2016 though in the meanwhile, they cleared other Semesters Examinations. Reliance is being placed on Clause IX (b) of the Ordinance for Admission and Regulation of Examination, Bachelor of Computer Application (BCA) under B.N. Mandal University, Madhepura, which stipulates that a candidate having completed the course has to appear at the examination of fails to pass the examination shall be allowed to appear at the subsequent examination in only that those parts and which he has failed or absented, without being required to go through the course again. It, however, stipulates that the said opportunity shall be given in only two more examination within a period not exceeding three years excluding the main examination held at the end of session. There is no pleadings in the counter affidavit that subsequent two examinations were available to the petitioners to appear in the second Semester examination after he had failed in the said examination held in August, 2014. BCA second Semester examination was apparently held in the month of May, 2016.



Even second Semester examination of 2013 was delayed by one year and two months which was held in August, 2015. In the absence of any pleadings in the counter affidavit, it is difficult for the Court to reach a conclusion that the petitioners had failed to avail two subsequent opportunity for appearing in the second Semester examination.

4. In view of the above facts and circumstances of the case, this writ application is allowed. Let the results of the petitioners be published by the University within four weeks from the date of receipt/production of a copy of this order.

(Chakradhari Sharan Singh, J)

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