

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2128 of 2018

Abhay Kumar, son of Late Bhagwat Prasad Singh, resident of New Area Belsari Tola, Near Lakshya Shila School, P.S.- Gaya, District- Gaya, presently the President, Shri Bhagwat Prasad Singh Memorial B.Ed. College, Aurangabad.

... .. Petitioner/s

Versus

1. Magadh University, Bodh Gaya Through Its Registrar.
2. Vice Chancellor, Magadh University, Bodh Gaya.
3. Registrar, Magadh University, Bodh Gaya.
4. Controller of Examinations, Magadh University, Bodh Gaya.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2564 of 2018

Brajendra Kumar Choubey, aged about 45 years, Son of Shri Ram Ekbal Choubey, resident of Do-Muhan, P.O. + P.S.- Bodh Gaya, District- Gaya.

... .. Petitioner/s

Versus

1. Magadh University, Bodh Gaya, through its Registrar.
2. Vice Chancellor, Magadh University Bodh Gaya.
3. Registrar, Magadh University Bodh Gaya.
4. Controller of Examinations, Magadh University, Bodh Gaya.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2432 of 2018

B. P. Azad College Of Education Bhadurbigha, Chandaury, Gaya, through its Secretary Ashok Kumar Azad, son of Rajeshwar Prasad, resident of Village- Rewai, P.S.- Tekari, District- Gaya (Bihar).

... .. Petitioner/s

Versus

1. Magadh University, Bodh Gaya through its Registrar.
2. Vice Chancellor, Magadh University, Bodh Gaya.
3. Registrar, Magadh University, Bodh Gaya.
4. Controller of Examination, Magadh University, Bodh Gaya.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 2674 of 2018



Sant Mallik Memorial Institute, Bazaura, Gaya through its Secretary Shiv Ranjan, Son of Monoranjana PrasadSingh, Resident of -73, Swarajipuri Road, P.S.-Civil line, District-Gaya (Bihar).

... .. Petitioner/s

Versus

1. Magadh University, Bodh Gaya Through Its Registrar.
2. Vice Chancellor, Magadh University, Bodh Gaya
3. Registrar, Magadh University, Bodh-Gaya,
4. Controller of Examinations Magadh University, Bodh Gaya

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 2128 of 2018)

For the Petitioner/s : Mr. Abhinav Srivastava

For the Respondent/s : Mr. Syed Firoz Raza

For the University : Mr. Shivendra Kishore, Sr. Advocate

(In Civil Writ Jurisdiction Case No. 2564 of 2018)

For the Petitioner/s : Mr. Abhinav Srivastava

For the Respondent/s : Mr. Syed Firoz Raza

For the University : Mr. Shivendra Kishore, Sr. Advocate

(In Civil Writ Jurisdiction Case No. 2432 of 2018)

For the Petitioner/s : Mr. Rajesh Kumar Mishra

For the Respondent/s : Mr. Syed Firoz Raza

(In Civil Writ Jurisdiction Case No. 2674 of 2018)

For the Petitioner/s : Mr. Rajesh Kumar Mishra

For the Respondent/s : Mr. Syed Firoz Raza

For the University : Mr. Shivendra Kishore, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-02-2018 The petitioners in these cases had appeared for the B.Ed. Examination held by the Magadh University, Bodh Gaya (hereinafter referred to as ‘the University’) in January, 2017. They have been declared ‘fail’ in some of the subjects. The University had come out with a notice inviting applications for scrutiny of answer-sheets in July, 2017, pursuant to which petitioners claimed that they had applied for scrutiny with requisite fees. They have two sets of



grievances. It is their case that the University has acted in callous and cavalier manner inasmuch as the tabulation register prepared by the University is full of discrepancies. It is also their grievance that when the matter was placed before the Examination Board of the University, the Examination Board had recommended for reevaluation of the answer-sheets. The said decision of the Examination Board has been subsequently held to be *null* and *void* in a subsequent meeting of the Examination Board.

2. Considering the nature of dispute involved in the present writ applications, I need not go into all such details. The University had come out with a notice inviting applications for scrutiny against which the petitioners have applied for scrutiny with requisite fees. They have right to get their answer-sheets scrutinized and be communicated about the outcome of such scrutiny. My attention has also been drawn to the second proviso to sub-section (2) of Section 29 of the Bihar State Universities Act, 1976, which confers upon the Vice-Chancellor a power to order for re-evaluation of the answer-books in case he is satisfied that evaluation of the answer or answer-sheet has not been fairly done.



3. These writ applications are, accordingly, disposed of with a direction to the Controller of Examination of the Magadh University, Bodh Gaya, to ensure that the petitioners are informed about the outcome of the scrutiny of their answer-sheets within a period of two weeks from today, if not already communicated. If the University has completed the scrutiny of the answer-sheets of these petitioners and other candidates who have applied for such scrutiny, the University should place the same on its *website* within a period of one week from today.

4. It goes without saying that it will be open to the Vice-Chancellor of the University to consider exercise of power under second proviso to Section 29(2) of the Bihar State Universities Act, 1976, if the circumstances are such.

5. If without completing the exercise of the scrutiny and making the students known about the outcome of the scrutiny the University has proceeded to go for next examination, the aspiring candidates for the examination should not be compelled to pay late fee for submission of examination form. The Controller of the Examination will see to it that the candidates are not made to pay late fee for submitting the examination forms, if candidates submit their



form within one week of publication of the result of the scrutiny, by extending the last date of submission of examination form without late fine.

6. These applications are disposed of.

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(Chakradhari Sharan Singh, J)

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