

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18413 of 2018

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Priyanka Roy, Daughter of Chandra Shekhar Roy, Resident of Court Station,
Janta Chowk, PO-Purnea, P.S. K. Hat, District-Purnea Permanent Resident of
village- Naharvar, P.O. Maingram, Via-Mahishi, District-Saharsa

... .. Petitioner/s

Versus

1. The Bihar Animal Sciences University Through Its Registrar Bihar Veterinary College Campus, Patna, Bihar
2. The Vice Chancellor, Bihar Animal Sciences University, Bihar Veterinary College Campus, Patna, Bihar
3. The Secretary to Vice Chancellor, Bihar Animal Sciences University, Bihar, Veterinary College Campus, Patna, Bihar
4. The Registrar, Bihar Animal Sciences University, Bihar Veterinary College Campus, Patna, Bihar,
5. The Dean cum Controller of Examination, Bihar Animal Sciences University, Bihar Veterinary College Campus, Patna, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jagjit Roshan
For the Respondent/s	:	Mr. K.N. Singh, Sr Advocate with Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 09-10-2018 The petitioner was admittedly a student of Bachelor of Veterinary Science and Animal Husbandry in Bihar Veterinary College, Patna. It was earlier under Bihar Agricultural University, Sabour, Bhagalpur and is now under Bihar Animal Sciences University. She was admitted in the academic Session 2014-19. The Course consists of 10 Semesters. The petitioner had successfully cleared her course up to 6th Semester and she was registered in 7th Semester. For certain reasons, she could not attend classes and write examination of 7th Semester. It is her



case that she could not attend the classes since she was suffering from Tuberculosis. Once she recovered she came back to the University to attend her classes. The Respondent-College and the University are denying her to pursue the Course from the 7th Semester.

2. A counter affidavit has been filed on behalf of the University and the claim of the petitioner is being resisted mainly on the ground of the provision under Regulation 3.6 of the Regulation on Instructions for Bachelor Degree Programme framed by the Bihar Agricultural University, which reads thus:-

“3.6 Students Continuance on Roll and Promotion to Higher Semester

3.6.1 The student shall be ceased to be the student of this University:-

3.6.2 If he/she has unauthorized absence continuously for a period of 30 days or more in any of the course(s). Consequently, the name of such student shall be struck off from the roll of the University. The course Instructor shall report such cases to the Dean/Associate Dean-cum- Principal of the college concerned who will forward the case to the Registrar with his/her recommendations.

3.6.3. If he/she has successfully completed the degree programme to which he/she was admitted.

3.6.4 After the completion of



four additional semesters in addition to the normal residential requirement prescribed for a particular degree programme.

3.6.5 The student shall be permitted to drop/withdraw from the University temporarily provided he/she has completed at least one semester of study in this University on the ground of self serious illness due to infectious diseases or accident followed by hospitalization in Govt. Hospital and supported by valid medical certificate. In such cases, re-admission shall be permitted by the Dean of the college concerned within two years from the date of student was permitted to drop from the university roll temporarily. In all such cases, admission shall be permitted only in the semester in which the student was permitted to drop. However, if a student is regular in attendance and internal examinations during first semester and fall sick due to infectious diseases or accidents during semester final examination, he/she may be permitted to drop the ongoing semester and after recovery from illness, he/she shall be permitted to register in the same semester with the junior batch provided he/she submits a valid medical certificate from Govt. hospital for his/her treatment and hospitalization.

(emphasis added)

3.6.6 It is obligatory on the part of all the registered students of this University to pass the course requirement of a degree programme.

3.6.7 The student of the



University if failed in more than two courses shall not be permitted to appear for compartmental examination and he/she shall have to repeat the failed courses with junior batches.

3.6.8 All the students who have appeared in the internal as well as external examinations and declared pass shall be promoted to the next semester.

However, the students who have failed in one or more courses shall be promoted to next semester, but such students shall have to repeat the failed courses along with the junior batches whenever, those courses are offered.”

3. Reliance is being placed on sub-Regulation 3.6.5 of the Regulation as noted above. It is the case of the respondent-University that since the petitioner could not produce any certificate of a Government Hospital as contemplated under sub-Regulation 3.6.5 of the Regulations, she cannot be allowed to pursue her course from 7th Semester.

4. It is also being contended that if she was unable to attend the classes because of any serious ailment, she ought to have taken prior permission from the College, in view of the language used in Regulation 3.6.5 of the Regulation.

5. I have heard Mr. Jagjit Roshan, learned



counsel appearing on behalf of the petitioner and Mr. K.N. Singh, learned Senior Advocate assisted by Mr. Shailendra Kumar Singh on behalf of the University.

6. On careful reading of sub-Regulation 3.6.5 of the Regulation, I find that the provision allows the University to grant permission to such students who have completed at least one semester to drop/withdraw from the University temporarily on following grounds: (i) self serious illness due to infectious diseases; or (ii) accident followed by hospitalization in Govt. Hospital and supported by a valid medical certificate.

7. It also provides that in such case, re-admission shall be permitted by the Dean of the College concerned, within two years from the date of student was permitted to drop from the University roll, temporarily.

8. Much emphasis has been given by Mr. K.N. Singh, learned Senior counsel, while referring to Clause 3.6.5 of the Regulation that a student must seek prior permission before dropping/withdrawing from the University and he contends that this is an admitted fact that the petitioner had not taken any prior permission.

9. I do not find any force in the first submission



on behalf of the University that the petitioner was essentially required to submit a certificate of a Government doctor or any certificate issued by the Government Hospital. Language of sub-Regulation 3.6.5 is clear and it states that a student shall be permitted to drop/withdraw from the University temporarily in case he/she is suffering from serious illness due to infectious diseases. It also provides that in case of accident followed by “hospitalization in Govt. Hospital and supported by valid medical certificate” such permission can be granted. It is not the case of the University that the medical certificate which the petitioner has submitted is forged. It is also not the case of the University that petitioner was not suffering from Tuberculosis, which is admittedly an infectious diseases. In the absence of any specific dispute being raised about the petitioner’s ailment and the validity of the certificate issued by a private doctor, the University ought not to have refused the petitioner to allow her to pursue her 7th semester course and onward.

10. In view of the above, this application is allowed. The Dean of the University is directed to allow the petitioner to be registered afresh in 7th semester examination and pursue further her course in future.



11. It goes without saying that the petitioner shall have to attend the minimum number of classes to appear in 7th semester examination which would allow her promotion to the next professional class. The petitioner shall be at liberty to request the institution for extra classes in case her attendance is found to be falling short.

(Chakradhari Sharan Singh, J)

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