

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23465 of 2018

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Kumari Swechchha, Daughter of Mr. Abhay Kumar Ranjan, resident of
Gandhi Maidan, Siwan, P.O. - Siwan, P.S. - Siwan Town, District – Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department,
Bihar, Patna.
2. The Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur.
3. The Vice-Chancellor, B.R. Ambedkar Bihar University, Muzaffarpur.
6. The Registrar, B.R. Ambedkar Bihar University, Muzaffarpur.
7. The Controller of Examination, B.R. Ambedkar Bihar University,
Muzaffarpur.
6. The Principal, M.D.D.M. College, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Mr. Arvind Kumar Singh
For the Respondent State:		Mr. S.K. Ranjan, AC to GP-17
For the University	:	Mr. Sandeep Kumar Mr. Vikas Ratan Bharti

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 20-12-2018 The petitioner seeks direction to B.R. Ambedkar

University, Muzaffarpur, to allow her to fill up the examination
form of 6th semester of BBA course (Session 2014-17). The last
date of submission of the form is said to have expired on 5th of
December, 2018.

Counter affidavit has been filed on behalf of the

University.

I have heard learned counsel for the petitioner and
learned counsel representing the University.

In view of the facts which are not in dispute and



urgency of the matter, this application is being disposed of at this stage itself.

The petitioner is not being permitted to participate in the 6th Semester as she has not cleared one paper of Business Environment (Code No. 405) of the 4th Semester. The regulations require that for a candidate to appear in the 6th Semester Examination, he/she should not have any carry over paper. Admission and Examination Regulation of the said course has been brought on record by way of Annexure in the writ application, Clause 6 (i) whereof reads thus:-

“6. Publication of Results:

i. A candidate securing 40% in each paper and overall 45% marks in a semester shall be declared pass in that semester. All those candidates who fail to pass or fail to appear in a semester shall be promoted to the next semester and may avail a carry over in three subsequent examinations to clear the semester, provided that there shall not be any carry over in sixth semester.

A candidate who fails to pass in 6th semester shall be allowed to appear in only theory papers in subsequent three examinations and exempted from Project work and viva-voce if he/she secures 50% marks in Project work and viva-voce.

Provided further that if a candidate secure 40% in each theory paper but fails to secure 45% in aggregated in semester, he/she will



have to appear in all theory papers again.”

It is specific case of the petitioner that after she had appeared in her 4th Semester Examination and failed in one paper, there was no subsequent 4th Semester Examination held by the University, in which the petitioner could have participated to clear the paper, which she had not cleared in her first attempt earlier. In normal course, 4th Semester Examination should have been held in June, 2017 itself.

In the counter affidavit filed on behalf of the University, it is stated that the said 4th Semester Examination shall be held on 4th of January, 2019.

Considering the facts and circumstances, this application is disposed of with a direction to the University to allow the petitioner to appear in the 6th Semester Examination, if the petitioner is an examinee of 4th Semester Examination. The result of the petitioner's 6th Semester Examination shall depend upon the petitioner clearing the 4th Semester Examination. Subject to petitioner clearing the 4th Semester Examination, the petitioner's result of 6th Semester shall be published.

It is directed that the petitioner shall be allowed to appear for the examination if she fills up the examination form by tomorrow i.e. 21.12.2018. The University is directed to



accept the petitioner’s examination form and fee accordingly.

This application stands disposed of.

(Chakradhari Sharan Singh, J)

Pawan/Ragini

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