

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6231 of 2019

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Arvind Kumar S/o Shiv Kumar Mahto R/o Railway Colony, Uttar Railway Colony, Khuskibagh, Purnia East, Purnia, Khuskibagh, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Department, Government of Bihar, New Secretariat, Patna.
2. The Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura, Bihar through its Vice Chancellor.
3. The Controller of Examination Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura, Bihar.
4. The M.L. Arya College, Kasba through its Principal.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vishal Saurabh
For the Respondent/s : Mr.Madhaw Pd. Yadaw (Gp23)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 05-07-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the University.

Petitioner has filed the present writ application for a
direction to the respondents to publish result of the petitioner.

Learned counsel appearing on behalf of the University
with reference to regulation submits that regulation does not
permit examination beyond three years yet petitioner was
allowed to appear in the examination

Since petitioner was allowed to appear by the
University with open eye, the open eye theory was coined by the
Apex Court in AIR reported in 1976 SC 376 which is



applicable in this case also.

The respondents are accordingly directed to publish the result and the petitioner notwithstanding the fact that contrary to their regulation with open eye they allowed the petitioner to appear in the examination.

The result of the petitioner must be published by the respondents within a period of sixty days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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