

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8680 of 2019

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Kumar Saurav Son of Birendra Kumar Mishra Resident of Mohalla- T.V
Centre Dumri Khal, P.O.- Katihar, P.S.- Sahayak, District- Katihar.

... .. Petitioner/s

Versus

1. The Vice Chancellor, B.N. Mandal University Madhepura.
2. The Registrar, B.N. Mandal University, Madhepura.
3. The Controller of Examinations, B.N. Mandal University, Madhepura.
4. The Principal, K.B. Jha College, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Jibendra Mishra
For the Respondent/s	:	Mr.Ritesh Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date : 09-05-2019

1. The present writ petition has been filed for directing the respondent-University to publish the result of the petitioner of his B.A. (Honours) examination of the year 2017 and provide marksheet and certificates to the petitioner herein.

2. The brief facts of the case, according to the petitioner, is that the petitioner took admission at K.B. Jha College, Katihar, a constituent unit of B.N. Mandal University, Madhepura for undergoing B.A. (Honours) Course and had opted for Honours in English and had taken Political Science as the first subsidiary subject and Maithili as the second subsidiary subject, whereupon his admission was duly registered by the



said University as Registration no. 25616/2014 for the Session 2013-14. The petitioner had then appeared in Part-I of the B.A. (Honours) examination of the year 2014 held in the month of January, 2015 and after the examination was held, the result of the petitioner was published and he was declared to have passed the said examination. Thereafter, the petitioner appeared in Part-II of the B.A. (Honours) examination, wherein he was declared to have passed the same. Ultimately, the petitioner had appeared in Part-III of B.A. (Honours) examination in the year 2016 and had also fared well. After sometimes, result was declared, however as far as the petitioner is concerned, his result was withheld and despite the petitioner approaching the authorities, the result has not been published till date.

3. The respondent-University has filed a counter affidavit, wherein it has been stated that the petitioner had appeared in the B.A. (Honours) examination beyond Regulation 4.1, 4.2 & 4.3 of the “Regulations for Bachelor of Arts (General/ Honours) Examination (Three Year Degree Course)” of the University. It is submitted that the aforesaid Regulations would show that the petitioner had selected two language and literature subjects as Honours and Subsidiary beyond the Regulations and infact, as per Regulation 4.3, the petitioner should have chosen



any one of the Honours subject mentioned in Regulation 4.3.

4. The learned counsel for the parties have relied upon a judgment rendered by a co-ordinate Bench of this Court in similar circumstances *dated 08.05.2018* passed in *C.W.J.C. no. 2169 of 2018 (Sachin Kumar v. The B.N.Mandal University and others)*.

5. I have heard the learned counsel for the parties and I find that there has been no laches on the part of the petitioner and infact, the petitioner was allowed admission for the B.A. (Honours) Course for the Session 2013-16 and he was allowed to pursue two Language and Literature subjects as Honours and Subsidiary and the said mistake remained undetected till the petitioner appeared for the final examination, hence apparently, not disputed by the respondent-University, there has been no laches on the part of the petitioner and the present case is squarely covered by the aforesid judgment rendered in the case of *Sachin Kumar (supra)* hence in the peculiar facts and circumstances of the present case, I direct the University to publish the result of the petitioner herein and issue necessary marksheet and certificates within a period of eight weeks from the date of receipt/ production of a copy of this order. It is made



clear that the present order shall not be considered as a precedent.

6. The writ petition stands allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.05.2019
Transmission Date	NA

