

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18105 of 2018

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Md. Modassir Alam, son of Late Md. Mansoor Alam, Resident of Village -
Mushkipur, P.O. Jamalpur, P.S. Gogari, District - Khagaria.

... .. Petitioner/s

Versus

1. The Vice Chancellor, B. N. Mandal University, Laloo Nagar, Madhepura
2. The Registrar, B.N. Mandal University, Laloo Nagar, Madhepura.
3. The Examination Controller, B.N. Mandal University, Laloo Nagar, Madhepura.
4. The Officer on Special Duty, Technical, B.N. Mandal University, Laloo Nagar, Purnea.
5. The Principal, Millia Institute of Technology, Rambagh, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rashid Izhar, Advocate
		Mr. Jagjit Roshan, Advocate
For the Respondent/s	:	Mr. Ritesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

6 16-08-2019 Heard learned counsel for the petitioner and the respondents.

The grievance of the petitioner in the present writ application is non-publication of final result of B. Tech Examination for the Session 2007-2011.

Learned counsel for the petitioner submits that the petitioner has cleared all the papers and passed B.Tech course from 1st year to 4th year. After passing the examination, the University is taking plea that in breach of the Regulation, the petitioner was allowed to appear in the examination and as such



the petitioner is not entitled to the relief prayed for in the present writ application.

Firstly: the Court does not find any substance in the objection inasmuch as, there is no limit in making attempt to appear in the examination. Regulation 18 indicates that without any time frame, the candidate will appear to clear the examination. Secondly; the University permitted the petitioner to appear in examination with open eye and as such the action of University stopping publication of result, raising the issue of breach of Regulation is hit by principle of promissory estoppel permits, as the University with open eye allowed the petitioner to appear in the examination. Reference in this connection is made to the judgment of the Apex Court in the case of **Shri Krishnan vs The Kurukshetra University**, reported in **AIR 1976 SC 376**.

Considering the provisions of the Regulation as well as the conduct of the University, the Court is of the considered view that the petitioner cannot be faulted, non-publication of the result for the lapse, if any, on the part of the University is unjustified.

Accordingly, the writ application is allowed. The respondents are directed to publish the result of the petitioner of



B. Tech course within a maximum period of 45 days from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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