

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19923 of 2019

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1. Kiran Kumari, D/o Chandeshwari Prasad Sah, Resident of Village- Kolasi, Police Station- Khora, District- Katihar.
 2. Dheeraj Kumar Jha, Son of Kedar Nath Jha, Resident of Village- Rahatmina Police Station- Kurshakatta, District- Araria.
 3. Bablu Kumar Mahto, Son of Raj Kumar Mahto, Resident of Mohalla- Ayodhyaganj Bazar, Police Station- Kursela, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Higher Education, Old Secretariat, Government of Bihar, Patna.
2. The B.N. Mandal University, Madhepura, through its Vice Chancellor.
3. The Vice Chancellor, B.N. Mandal University, Madhepura.
4. The Registrar, B.N. Mandal University, Madhepura.
5. The Controller of Examination, B.N. Mandal University, Madhepura.
6. The Principal, K.B. Jha College, Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh, Advocate
For the Respondent/s : Mr.Prabhakar Jha (GP-27)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-10-2019 Heard learned counsel for the petitioners and the

State as well as the University.

The grievance of the petitioners in the present writ petition is that despite the petitioners have appeared at the examination of B.C.A. Course and cleared the same in the academic sessions 2009-12 yet the final marks sheet is not being issued by the respondent-University.

Learned counsel for the University submits that there is impediment in the way of the University in publishing the result as it is contrary to the Regulation.

When the University has allowed the petitioners to appear in the examination with open eyes, after taking



examination taking plea of impediment on account of the fact that the examination is contrary to the Regulation is unsustainable in view of the fact that similar issue was considered by the Apex Court in the case of Shri Krishna Vs. Kurukshetra University : 1976 SC 376. If the petitioners were allowed to take examination of BCA and if they appeared and passed the same, the University cannot be allowed now to take plea that they have wrongly allowed the petitioners to appear in the examination contrary to their own Regulation as they have allowed the petitioners to appear at the examination with open eyes.

Under the aforesaid circumstances, the writ petition is disposed of with a direction to the University to publish the result if the petitioners have appeared and cleared the examination. Necessary decision in this regard must be taken by the respondents within a maximum period of 45 days from the date of receipt/production of a copy of this order .

With the aforesaid, the writ petition stands disposed of.

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(Anil Kumar Upadhyay, J)

