IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 3919 of 2020

Mehvas Fatmi ….. Petitioner

Versus

1. Vinoba Bhave University, Hazaribagh, through its Vice-Chancellor
2. The Registrar, Vinoba Bhave University, Hazaribagh
3. The Examination Controller, Vinoba Bhave University, Hazaribagh

….. Respondents

With

W.P.(C) No. 3936 of 2020

Priyanka Kumari ….. Petitioner

Versus

1. Vinoba Bhave University, Hazaribagh, through its Vice-Chancellor
2. The Registrar, Vinoba Bhave University, Hazaribagh
3. The Examination Controller, Vinoba Bhave University, Hazaribagh

….. Respondents

CORAM

HON'BLE MR. JUSTICE RAJESH SHANKAR

For the Petitioners: Md. Afaque Ahmad
For the Respondents: Ms. I. Sen. Choudhary

03/16.12.2020 These cases are taken up through Video Conferencing.

2. Since similar issue is involved in both the writ petitions, with the consent of the parties, these are heard together and disposed of by this common order.

3. These writ petitions have been filed for issuance of direction upon the respondents to allow the petitioners to appear in B.Ed. (Semester-IV) Examination with the students of Semester-IV of Session 2018-20 so that they may clear their B.Ed. (Semester-IV) Examination of Session 2016-18 or alternatively, to direct the respondents to conduct special examination of Session 2016-18 for the petitioners on any other date.

4. Learned counsel for the petitioners submits that the petitioners took admission in two years B.Ed. Course in Session 2016-18 having altogether four semesters. The petitioners passed three semesters. The petitioner (Priyanka Kumari) appeared in Semester-IV Examination, however, she was declared fail in the same. The petitioner (Mehvas Fatmi) filled up the form of Semester-IV Examination with the students of Session 2017-19, however, she could not appear in the said examination as at that time she had suffered miscarriage. Now the petitioners want to clear their Semester-IV Examination of Session

2016-18 with the students of Semester-IV of Session 2018-20 and the last date for accepting/rejecting the examination form is 05.12.2020. It is further submitted that the petitioners tried to fill up their respective examination forms through online process for appearing in the B.Ed. Examination (Semester-IV), however, the respondent-University did not accept their examination forms. It is also submitted that due to the said action of the respondent-University, the petitioners shall suffer irreparable loss and injury inasmuch as they will be deprived of clearing their B.Ed. (Semester-IV) Examination of Session 2016-18. The petitioners are entitled to appear in the said examination even on provisional basis and hence the respondent-University may be directed to accept their examination forms and issue admit cards to them so that their career may not be jeopardized.

5. Per-contra, learned counsel appearing on behalf of the respondent-University while inviting the attention of this Court to the judgment rendered by a co-ordinate Bench of this Court in the case of **Madhurani Kumari Vs. Vinoba Bhave University, Hazaribagh & Ors. [W.P.(C) No. 2812 of 2019],** submits that a Bench of this Court has already rejected the identical prayer made by the said student-Madhurani Kumari and therefore the present writ petitions are liable to the dismissed.

6. Heard learned counsel for the parties and perused the materials available on record. The petitioners have sought direction of this Court upon the respondents to allow them to clear their Semester-IV Examination of Session 2016-18 with the students of Semester-IV of Session 2018-20.

7. In the case of **Madhurani Kumari** (Supra), the petitioner-Madhurani Kumari had taken admission in B.Ed. Course in Session 2015-17. However, she could not complete the said course within three years from the date of admission. She filed the said writ petition for issuance of direction upon the respondents to allow her to appear in Semester-IV Examination of Session 2017-19. The Bench dismissed the said writ petition observing that no relief could be granted to the petitioner-Madhurani Kumari to participate in the

academic session 2017-19 in view of specific condition to complete B.Ed. course within the period of three years, failing which the registration itself will be stopped.

8. I have also perused the Regulations for Examination of 2 year B.Ed. Course (Semester System) P.G Dept. of Education (Faculty of Education V.B.U. H.Bag). Regulation 5.4(X) is quoted herein below:-

> **"X. As per the provision content under the section 2.1 of "NCTE Recognition norms and Standards of Bachelor of Education programme leading to Bachelor of Education (B.Ed) Degree-2014" students shall be permitted to complete the programme within a maximum period of three years from date of admission to the programme. The maximum limit of three years will not change for any reason."**

9. Thus, a maximum time limit of three years from the date of admission has been prescribed for completion of the B.Ed. programme with further stipulation that the said maximum limit of three years will not be changed for any reason. Hence, the respondents are required to mandatorily follow the said time line in permitting any candidate/student to complete the said programme. Admittedly, the petitioners are seeking permission to complete their course beyond the maximum limit of three years which cannot be allowed as the content of the aforesaid clause itself reflects that the said time limit has to be strictly followed for completing the course and any deviation therefrom will certainly frustrate the very purpose of framing such regulation.

10. In view of the aforesaid facts and circumstances, I see no reason to interfere with the said action of the respondent-University in not allowing the petitioners to clear their B.Ed. (Semester-IV) Examination of Session 2016-18 with the students of Semester-IV of Session 2018-20.

11. Both the writ petitions being devoid of any merit are accordingly dismissed.

12. The petitioners are however at liberty to make an application for getting fresh registration. If that is done, the competent authority will act as per the applicable law.

Satish

(RAJESH SHANKAR, J)