

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6640 of 2021

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Anil Kumar Son of Shri Rajendra Thakur Resident of Village-Inarwa, Post-Ghailadh, Police Station-Madhepura, (Ghailadh O.P.), District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Vice Chancellor B.N. Mandal University, Madhepura.
3. The Examination Controller B.N. Mandal University, Madhepura.
4. The Principal Adarsh College, Ghailarh Jiwachpur, Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Surya Narayan Yadav
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 23-11-2021

In the instant petition, petitioner has prayed for following relief/reliefs:

- “i. For issuance of appropriate writ/writs, order/orders, direction/directions commanding the respondents to publish the result of B.Sc Physics Honours Examination without adding the all subjects Marks obtain by the petitioner in B.Sc part-1 and part-2.*
- ii. For direction/direction to the respondents to Publish the result which is pending after adding the marks in B.Sc part – 3 Examination which is obtain by the petitioner in B.Sc part – 1 and part -2 Examination.*
- iii. For any other relief/reliefs to which the petitioner is entitled under the law for ends of justice.”*

The petitioner was required to complete the course of B.Sc. within stipulated period. He has failed to clear the examination within the stipulated period in terms of the regulation.



However, petitioner's name was forwarded by the college authorities and it was accepted by the University for writing examination beyond the stipulated time under the regulation. Before publication of the result, the university have noticed that permission granted to the petitioner to write the examination was beyond the stipulated period and it is not permissible, thus, the university have not announced the petitioner's examination result.

In the light of the aforesaid facts one has to draw inference that there is lapses on the part of the College and University in permitting the petitioner to participate in the process of examination and it is contrary to the regulation. At the same time for no fault of the petitioner, the petitioner's examination result cannot be withheld. In fact, College and the University should have rejected the petitioner's application for examination at threshold as and when he submitted application through College with reference to the regulation.

Learned counsel for the respondent University vehemently contended that in identical matter, this Court rejected the grievance of the candidate on the score that petitioner therein has failed to complete the course within the stipulated period under the regulation.



Perusal of the judgement cited, it is to be noted that default on the part of the College and University Authority has not been appreciated and taken note of. That apart education institutions should encourage in acquiring education qualification by students in terms of Part IV of the Constitution in particularly Article 41 and 46 relate to Education. For no fault of the petitioner, he was permitted to participate in the process of examination due to default on the part of College and the University, therefore, the cited decision do not assist the petitioner merely the participation of the petitioner therein is beyond the period.

In the light of these facts and circumstances the petitioner has made out a case. Accordingly, the concerned respondent University is hereby directed to pronounce the result of the petitioner within a period of two months from the date of receipt of this order.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.11.2021
Transmission Date	NA

