

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.98 of 2019

In
Civil Writ Jurisdiction Case No.10575 of 2016

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1. The Vice Chancellor, B. N. Mandal University Madhepura.
 2. The Examination Controller B.N. Mandal University, Madhepura.
- Petitioners

Versus

1. Bapi Nag S/o Pradip Kumar Nag Resident of Village- Forbesganj, Ward No.- 12, P.S.- Forbesganj, District- Araria.
2. The State of Bihar Through the Principal Secretary, Education Department, Government of Bihar, Patna.

... .. Opposite Parties

with
Miscellaneous Jurisdiction Case No. 2807 of 2017
In
Civil Writ Jurisdiction Case No.10575 of 2016

Bapi Nag S/o Pradip Kumar Nag Resident of Village - Forbesganj, District Araria.

... .. Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary Education Department, Government Of Bihar, Patna
2. The Vice Chancellor, B.N.M.U. Madhepura namely Dr. Abadh Kumar Roy.
3. The Examination Controller, B.N.M.U. Madhepura namely Navin Kumar.

... .. Opposite Parties

Appearance :

(In CIVIL REVIEW No. 98 of 2019)

For the Petitioners : Mr. Ritesh Kumar, Advocate

For the Opposite Party State: Mr. Priyadarshi Matri Sharan, AC to AAG-15

For the Opposite Party No.1 : Mr. Gopal Kumar Jha, Advocate

(In Miscellaneous Jurisdiction Case No. 2807 of 2017)

For the Petitioner : Mr. Gopal Kumar Jha, Advocate

For the Opposite Party No.1: Mr. Priyadarshi Matri Sharan, AC to AAG-15

For the Opposite Parties No.2&3:Mr. Ritesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 17-11-2021

Civil Review No. 98 of 2019 :



It appears that out of inadvertence, order dated 10.04.2019 has been created as 'Order No. 22' instead of 'Order No.2'.

Let order dated 10.04.2019 be read as 'Order No. 2'.

The Vice-Chancellor, B.N. Mandal University, is seeking review of an order dated 12.04.2017 passed in C.W.J.C. No. 10575 of 2016, whereby the said writ application filed by the respondent herein was disposed of with a direction to the University to dispose of the petitioner's application for re-totaling of his score in 7th paper of LL.B. Part-III examination, within three weeks from the date of receipt/production of a copy of this order.

It has been stated in the application seeking review that it is impossible for the University to comply with the said order because the bundle of the answer-sheets containing the answer-sheet in question has been misplaced.

Mr. Ritesh Kumar, learned counsel appearing on behalf of the University has submitted that despite best efforts, the concerned answer-book of the petitioner could not be traced. He has, however, submitted that the University is willing to comply with any order of this Court, if the said order dated 12.04.2017 is modified by this Court in the facts and



circumstances of the case, in the interest of justice.

Learned counsel for the petitioner has submitted that he will have no grievance if average mark is awarded to the petitioner in the said 7th paper of LL.B. Part-III examination on the basis of marks scored by him in other papers and the result is published accordingly.

Considering the peculiar facts and circumstances of the case, as noted above, the order dated 12.04.2017 passed in C.W.J.C. No. 10575 of 2016 is modified by issuing a direction to the Vice-Chancellor, B.N.Mandal University, Madhepura, and the Examination Controller of the University to ensure that the petitioner's result of LL.B. Part-III is published after awarding him appropriate marks in the 7th paper on the basis of average marks scored by him in other papers. The result must be published within four weeks from today.

This application is allowed with the aforesaid observation and direction.

M.J.C. No. 2807 of 2017 :

This application has been filed by the petitioner complaining disobedience of the said order of this Court dated 12.04.2017 passed in C.W.J.C. No. 10575 of 2016, which has been modified today.



The contempt petition stands disposed of in terms of
today’s order passed in C.W.J.C. No. 10575 of 2016.

(Chakradhari Sharan Singh, J)

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