

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22174 of 2019

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Babita Kumari, W/o Sri Sanjay Kumar, R/o Village-Moujampur, P.S.-
Sangrampur, District-Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.
4. The Tilka Manjhi Bhagalpur University, Bhagalpur, District-Bhagalpur through its Registrar.
5. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur, District-Bhagalpur.
6. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur, District-Bhagalpur.
7. The Controller of Examination, Tilka Manjhi Bhagalpur University, Bhagalpur, District-Bhagalpur.
8. The Mahatma Gandhi Shikshak Prashikshan Mahavidyalay, Mukti Niketan, Katoria, P.S.-Katoria, District-Banka, through its Secretary,
9. The Director, Mahatma Gandhi Shikshak Prashikshan Mahavidyalay, Mukti Niketan, Katoria, P.S.-Katoria, District-Banka.
10. The Secretary, Mahatma Gandhi Shikshak Prashikshan Mahavidyalay, Mukti Niketan, Katoria, P.S.-Katoria, District-Banka.
11. The Principal, Mahatma Gandhi Shikshak Prashikshan Mahavidyalay, Mukti Niketan, Katoria, P.S.-Katoria, District-Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mrityunjay Kumar, Advocate
For the University	:	Mr. Ritesh Kumar, Advocate
For the State	:	Mr. Priyadarshi Matri Sharan, AC to AAG 15

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

Date : 17-11-2021

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



“The petitioner craves indulgence of this Hon’ble Court for issuance of a writ in the nature of Mandamus or any other appropriate writ/order/direction to the respondents especially to the Tilka Manjhi Bhagalpur University to Publish the result of Bachelor of Education (B.Ed.) Final Examination-2017 and accordingly to issue the Mark Sheet and Certificate to the Petitioner.

And/Or

For any other relief(s) as Your Lordships may deem fit and proper as per the facts and circumstances of this case.”

The respondents in their counter affidavit at paragraph Nos. 5 and 6 stated as under:

“At the outset it is respectfully stated and submitted that the result of the petitioner has not been published due to fact that she appeared in the examination beyond the relevant regulation of bachelor of education program. As per clause 4.6 of the examination regulation a candidate having completed the course fails to appear at the examination or fails to pass the examination shall be allowed to take subsequent examination on payment of prescribed examination fee. In the regulation it has specifically been mentioned that this opportunity of appearing in the Examination shall be given only in one examination, that too within a period not exceeding three years from the date of admission.

It is respectfully stated and submitted that as appears from the records the petitioner had appeared in the 2nd year examination held in the year 2017 but she did not appear in one subject i.e. C-10 paper on



account of her illness, therefore she was declared fail.”

The learned counsel for the respondents University has pointed out from the regulation governing the Bachelor of Education (B.Ed.) programme. He has also highlighted paragraph Nos. 4 and 6 and the petitioner do not fulfill the requisite condition of the aforesaid regulations.

No doubt the petitioner was ineligible to participate in the process of examination having regard to the aforesaid factual aspect stated in the regulation read with the fact that the petitioner was ineligible. However, both the College and the University permitted the petitioner to participate in the process of examination and result of the examination has been withheld with reference to the regulation and the fact that petitioner was ineligible to participate in the process of examination. For no default on the part of the petitioner, the petitioner shall not be penalized in not announcing the result. The respondent University/College should have taken necessary steps to reject the petitioner's admission for writing examination/process of examination at the threshold if she is otherwise ineligible to participate in the process of examination. The petitioner had already participated in the process of examination, no doubt regulation do not provide for relaxation. One cannot ignore the conduct of the College and the University in permitting the



petitioner to participate in the process of examination. Thus they were estopped.

The learned counsel for the University submitted that in identical matters this court has taken note of the relevant regulations and rejected the petition. No doubt the petitioner has no merit at the same time having regard to the conduct of the College and the University in permitting the petitioner to participate in the process of examination at the fag end of the academic year denying in not announcing the result would be too harsh. In fact, the College and the University must encourage students to acquire educational qualification. Therefore, the College and the University are hereby directed to redress the grievance of the petitioner within four weeks from the date of receipt of this order in announcing the result and issuance of certificate on sympathetic ground.

The writ petition Stands allowed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

