

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2348 of 2020

=====

Pramod Kumar, Son of Basudeo Singh, R/o Village and P.O.- Narayanpur,
P.S.- Bhaptiyahi, District- Supaul.

... .. Petitioner/s

Versus

1. The Bhupendra Narayan Mandal University, Laloo Nagar Madhepura through its Vice Chancellor Bhupendra Narayan Mandal University Madhepura.
2. The Examination Controller, Bhupendra Narayan Mandal University, Laloo Nagar Madhepura.
3. Principal, MLT College Saharsa, P.S. and District Saharsa.
4. Coordinator, BCA Department, MLT College Saharsa.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Respondent/s : Mr. Ritesh Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 05-02-2021

Heard learned counsel for the petitioner and the respondents.

2. The petitioner has filed the present writ application for the following reliefs:

“For issuance of appropriate writ, order or direction of writ in the nature of Mandamus commanding the respondents to issue result of petitioner’s BCA Examination Session 2015-18 which was kept pending for want of marks of Semester-I. Admittedly the petitioner did not appear in 1st Semester examination held onwards 26th May 2016 due to personnel unavoidable reasons. However the petitioner was allowed to appear in Examination of Semester I & II simultaneously and appeared in the examination of Semester I & II held onwards 30 January 2017 and the petitioner was declared passed. However



subsequent to Semester I & II the petitioner appeared in all his examination of other Semester in regular basis and the University declared him pass in all examination of I to VI semesters. But finally when it comes to publication of Final Result the University permitted the petitioner to appear in all the Semester's examination undertaken by the University and ultimately hanged his career sealing her fortune and brought at the corridor of Hon'ble Court. As such present application is being filed for issuance of appropriate writ, order or direction commanding the respondents for following main reliefs:

(i) That for issuance of appropriate writ, order or direction of writ in the nature of Mandamus commanding the respondents to publish the Final result of the petitioner's BCA Examination Session 2015-18 since permitted the petitioner to appear in all VI Semester's Examination and passed in all I to VI Semester's examination.

(ii) That for grant of any other relief or reliefs to which the petitioner is found entitled in law be granted to him."

3. Learned counsel for the petitioner has drawn the attention of this Court to the admitted facts of this case that the University allowed the petitioner to appear in Semester II without clearing Semester I examination.

4. The issue with regard to the act allowing the students to appear in examination in teeth of Regulation was considered by the Apex Court in the case of **Shri Krishnan vs The Kurukshetra University**, reported in **AIR 1976 SC 376**.



5. The Apex Court had occasion to consider the open eye theory and noticing the fact that the University with open eyes allowed the candidate to appear in LL.B. Course contrary to the Regulation of Kurushetra University was directed for publication of result.

6. Considering the judgment of the Apex Court in the case of **Shri Krishnan vs The Kurukshetra University** (supra) the Court is constrained to allow the writ application. The respondents are directed to publish the result of the petitioner within a maximum period of one month from the date of receipt/production of a copy of this order so that the petitioner may pursue the remaining course and complete his academic career at the earliest.

7. With the aforesaid, the writ application stands allowed.

(Anil Kumar Upadhyay, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.02.2021
Transmission Date	

