

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9924 of 2022

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1. Gaurav Kumar Son of Sri Rajendra Prasad Swarnkar, Resident of Naya Bazar, Pachna Road, Near Bypass Chowk, Ward No. 17, District - Lakhisarai.
 2. Aaditya Anand son of Sri Ashok Kumar, Resident of South Mandiri, Mahavir Sthan, Kathpul, P.S. Kotwali, District - Patna.
 3. Anand Kumar Saw, son of Sri Ramchandrar Saw, Resident of Ward No. 4 Gaon Mahthadih, Post - Chandwara, Jhumri Telaiya, Koderma, Jharkhand.
 4. Ranjeet Kumar son of Sri Rajendra Prasad, Resident of House No. NN-007-0265, Bazar Samiti, Main Road, Nayak Gali, District - Nawada.

... .. Petitioner/s

Versus

1. Central University of South Bihar through its Vice Chancellor, S.H. 7, Gaya Panchanpur Road, District - Gaya.
2. The Vice Chancellor, Central University of South Bihar, S.H. 7, Gaya Panchanpur Road, District - Gaya.
3. The Registrar, Central University of South Bihar, S.H. 7, Gaya Panchanpur Road, District - Gaya.
4. The Controller of Examinations, Central University of South Bihar, S.H. 7, Gaya Panchanpur Road, District - Gaya.
5. The Examination Coordinator, Department of Law and Governance, Central University of South Bihar, S.H. 7, Gaya Panchanpur Road, District - Gaya.
6. The Dean and Head, School of Law and Governance, Central University of South Bihar, S.H. 7, Gaya Panchanpur Road, District - Gaya.
7. The Chairman, Department Attendance Monitoring Committee, Central University of South Bihar, S.H. 7, Gaya Panchanpur Road, District - Gaya.
8. The Head of the Department, School of Law and Governance, Central University of South Bihar, S.H. 7, Gaya Panchanpur Road, District - Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajan Ghoshrahe, Adv.

For the Respondent/s : Mr. S.D. Sanjay, A.S.G.

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA



ORAL ORDER

2 15-07-2022

1. Heard the parties through video conferencing.

2. The petitioners are praying before this Court for granting them permission for appearing in International Trade Law and condone the shortage of attendance since less than 75%. The examination is scheduled from 18.07.2022 for the course of Master of Law (LLM) Degree for session -2021-22.

3. Learned counsel for the petitioners submits that there was no occasion to the students about their attendance getting shortage and has taken this court to the provision 18.7 of the Regulations to submit that it was the duty of the concerned teacher to inform about their attendance getting shortage so that they could have improved their attendance. Learned counsel submits that the attendance is upto 60% and a sympathetic approach be adopted so that the petitioners would be able to complete their course. In the other two papers, the petitioners have complete attendance. Learned counsel further submits that the course of second semester was shortened to a period from six months to the period of three months commenced from April, 2022 up to 7th July, 2022 and therefore the percentage of the attendance was being short.

4. Learned Senior counsel appearing for the



respondent Central University has vehemently opposed the prayer and pointed out that the attendance rules were confirmed by the Bar Council and are required to be strictly followed. The Central University has been very regularly completing its educational course in time and the petitioners were having full knowledge about the requirement of 75 percent attendance. The petitioners would be free to cover up their attendance and appear in the examination again. Learned counsel also submits that there should not be any sympathy shown in these aspects as it leaves a wrong precedent.

5. I have considered the submissions.

6. Taking into consideration the provisions contained in the Regulations relating to appearing for LLM examination, which are binding and mandatory for all, an exception cannot be made for one or two students for not completing their attendance while the other students have completed their minimum 75 percent attendance. Sympathy for one may cause a wrong precedent for others.

7. The writ petition is therefore dismissed.

8. The petitioners, are however, free to always participate in the examination subsequently by completing their 75 percent attendance.



9. University is required to conduct the examination
soon.

(Sanjeev Prakash Sharma, J)

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