

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4702 of 2021**

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Raj Malhotra Son of Balmiki Prasad resident of Mohalla - Naya Bazar  
Ashtaghati, Near Shiv Mandir Lakhisarai Ward No. 28, P.S. - Lakhisarai,  
District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Higher Education Bihar, Patna.
2. The Vice Chancellor, Tilka Manjhi Bhagalpur University Bhagalpur.
3. The Registrar, Tilka Manjhi Bhagalpur University Bhagalpur.
4. The Examination Controller Tilka Manjhi Bhagalpur University Bhagalpur.
5. the Principal R. Lal College Lakhisarai, District- Lakhisarai.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr.Bharat Lal                     |
| For the Respondent/s | : | Mr.Ashutosh Ranjan Pandey (Aag15) |
| For the University   | : | Mr. Ranjan Kumar Sinha            |

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**

**JUDGMENT AND ORDER**  
**ORAL**

**Date : 20-03-2023**

The present writ application has been filed for a direction to the respondents to supply final mark-sheet and certificate of Bachelor of Science (Math Hons.) inasmuch as according to the petitioner, he has completed three-years degree course in Bachelor of Science (Math Hons.) in the sessions 2013-14, 2015-16 and 2017-18 from R. Lal College, Lakhisarai.

2. The roll number of the petitioner, for the Bachelor of Science (Math Hons.), is 210036 and registration no. is 1304200211 of 2013. He claims that he appeared in all the three parts of the Bachelor of Science (Math Hons.) examination, held in



the years 2015, 2016 and 2018, under the Tilka Manjhi Bhagalpur University, Bhagalpur. The petitioner has annexed as Annexure-1 the mark-sheet of Bachelor of Science (Math Hons.) for the sessions 2013-14 to show that he has completed the Part-I examination of Bachelor of Science (Math Hons.) held in the year 2015. Annexure-2 is the admit card of the petitioner for the Part-II examination of Bachelor of Science (Math Hons.) held in the year 2016. The petitioner appeared in Part-II examination of Bachelor of Science (Math Hons.) held in the year 2016, but according to the petitioner, he passed in other subjects, except Physics subsidiary paper, in which he failed. The mark-sheet of Part-II examination of Bachelor of Science (Math Hons.) held in the year 2016 has been annexed as Annexure 2/1.

3. The petitioner appeared in the Physics subsidiary paper of Part-II examination of Bachelor of Science (Math Hons.) held in the year 2017 for clearing the Physics subsidiary paper, in which he had failed in the examination held in the year 2016. The dispute lies here.

4. The claim of the petitioner is that he appeared in the Physics subsidiary paper of Part-II examination of Bachelor of Science (Math Hons.) held in the year 2017, but the University issued the provisional mark-sheet of all the three papers of



Bachelor of Science (Math Hons.), in which the petitioner has been shown “ABSENT” in the Physics subsidiary paper of Part-II examination of Bachelor of Science (Math Hons.) held in the year 2017. He has been declared fail on the basis of his being absent in the Physics subsidiary paper of Part-II examination of Bachelor of Science (Math Hons.) held in the year 2017.

5. Learned Counsel for the petitioner submits that the petitioner appeared in the theory paper of Physics subsidiary paper of Part-II examination of Bachelor of Science (Math Hons.) held in the year 2017, at the centre B. N. M. College, Barahiya, Lakhisarai, which would be apparent from the admit card of Part-II examination of Bachelor of Science (Math Hons.)-2017 (Annexure-2/2). He also submits that the petitioner appeared in the practical examination of Physics subsidiary paper of Part-II examination of Bachelor of Science (Math Hons.)-2017 at Karyanand Sharma Smarak College, Lakhisarai.

6. Per contra, learned Counsel for the University submits that it is not correct to say that the petitioner appeared in the theory paper of Physics subsidiary paper of Part-II examination of Bachelor of Science (Math Hons.)-2017, from the centre B. N. M. College, Barahiya, Lakhisarai and in the practical paper of the said examination from the centre Karyanand Sharma Smarak College,



Lakhisarai. The fact of the matter is that earlier, the examination centre for Part-II examination of Bachelor of Science (Math Hons./subsidiary)-2017 was fixed at B. N. M. College, Barahiya, Lakhisarai, vide Examination Notice No. 107 of 2017, but later on, the said examination centre, for the Bachelor Part-II (Subsidiary) Exam, 2017, was changed and fixed at International College, Ghosaith, Lakhisarai, vide Examination Notice No. 7 of 2018, dated 09.01.2018 and for practical paper, the examination centre was fixed at Karyanand Sharma Smarak College, Lakhisarai, vide Examination Notice No. 13 of 2018. As such, the question does not arise that the petitioner has appeared in theory paper of Physics subsidiary paper of Part-II examination of Bachelor of Science (Math Hons.)-2017, from the centre B. N. M. College, Barahiya, Lakhisarai.

7. The Examination Notice No. 7 of 2018, regarding change of examination centre of theory paper of Physics subsidiary paper of Part-II examination of Bachelor of Science (Math Hons.)-2017 has been annexed as Annexure-A series to the supplementary counter affidavit.

8. I have heard learned Counsel for the parties concerned and have gone through the materials available on record.



9. The University issued a letter to the Centre Superintendent of International College, Lakhisarai, to provide the certified copy of the attendance chart and memo appertaining to theory paper of Physics subsidiary paper of Part-II examination of Bachelor of Science (Math Hons.)-2017. The Centre Superintendent of International College, Lakhisarai, sent a letter to the University, vide letter no. INC 24/21, dated 04.02.2021, along with the attendance chart and memo (Annexure-B series). Upon perusal of the documents, it transpired that the petitioner, having roll no. 210036, was absent in the theory paper of Physics subsidiary paper of Part-II examination of Bachelor of Science (Math Hons.)-2017, held on 15.01.2018. Likewise, the Centre Superintendent of Karyanand Sharma Smarak College, Lakhisarai, also sent a letter to the University, vide letter no. 008/21 dated 02.02.2021, informing therein that the candidate, having roll no. 210036, did not participate in the practical examination of Physics subsidiary paper of Part-II examination of Bachelor of Science (Math Hons.)-2017, held on 20.02.2018 (Annexure-C).

10. This Court, vide order, dated 23.02.2023, had called for the Tabulation Register and in pursuance thereof, original Tabulation Register was produced by the University. From perusal of the Tabulation Register of Bachelor of Science (Math Hons.)-



2017, held in the month of December, 2017, it is manifest that the petitioner has been shown “ABSENT” in Physics (theory as well as practical) subsidiary paper examination.

**11.** Upon careful scrutiny of the aforesaid materials, including the Tabulation Register, I am of the considered opinion that the petitioner failed to appear in the theory as well as practical paper of Physics subsidiary paper of Part-II examination of Bachelor of Science (Math Hons.)-2017.

**12.** Accordingly, this Court is not in a position to issue any direction to the respondent-University to issue final mark-sheet and certificate of Bachelor of Science (Math Hons.) in favour of the petitioner.

**13.** In the result, this writ application is dismissed.

**14.** There shall be no order as to costs.

**15.** Let the original Tabulation Register be returned to learned Counsel for the University today itself.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | N/A        |
| Uploading Date    | 07-04-2023 |
| Transmission Date | N/A        |

