

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3309 of 2023

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Rakhi Kumari, W/o- Raja Kumar, Resident of Village- Runni, P.O.-
Bhanaspatti, P.S.- Runni Saidpur, District- Sitamarhi, State- Bihar, PIN Code-
843328. Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Bihar, Patna.
3. The Director, Higher Education, Education Department, Bihar, Patna.
4. The Vice Chancellor, Bahasaheb Bhimrao Ambedkar Bihar University,
Muzaffarpur.
5. The Registrar, Bahasaheb Bhimrao Ambedkar Bihar University,
Muzaffarpur.
6. The Examination Controller, Bahasaheb Bhimrao Ambedkar Bihar
University, Muzaffarpur.
7. The Principal, Mahila Silp Kala Bhawan College, Muzaffarpur.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Nalin Kumar, Advocate
For the State	:	Mr. Mr. Mukund Mohan Jha, AC to GP-27
For the University	:	Mr. Indrajesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 12-07-2023 Heard learned counsel for the petitioner, learned counsel
for the University as also learned counsel for the State.

The petitioner in the present case is seeking a direction
upon the respondent authorities to publish and declare the result of
the petitioner and to issue marksheets of her B.Sc. (Zoology
Hons.) examination of academic session 2017-20.

The case of the petitioner is that she was admitted in
Three-Year Degree Course of B.Sc. (Zoology Hons.) at Mahila
Silp Kala Bhawan College, Muzaffarpur which is a constituent
unit of Babasaheb Bhimrao Ambedkar Bihar University,



Muzaffarpur (hereinafter referred to as the 'University').

It is stated that the petitioner appeared in B.Sc. Part-I examination and was promoted to Part-II. She also passed Part-II and then she was promoted to B.Sc. Part-III. She was allowed to appear in B.Sc. Part-III examination without any objection and she passed B.Sc. Part-III examination but the result of the petitioner was not showing her a successful candidate whereupon she inquired about her status and got information for the first time that she had failed in Paper-II of Zoology in Part-I examination. It is her case that she came to know for the first time from the online provisional result/marksheet of B.Sc. Part-III that she was declared failed in B.Sc. Part-I (Zoology Hons.) paper. It is stated that on the oral advice of the University authorities, the petitioner again filled the examination form for the B.Sc. Paper-II of Zoology Hons. Part-I with the same registration number, her application was accepted and an admit card was issued in her favour whereafter she appeared in the examination and got 34 marks out of 75.

Learned counsel for the petitioner submits that the petitioner had deposited requisite fee and filed an application request form online for the issuance of original degree, provisional certificate, vocational and migration certificates but till date, it has not been supplied. He has relied upon a judgment of learned Co-ordinate Bench of this Court in the case of **Ranjana Gupta versus**



The Patna University and Others reported in **(2009) 4 PLJR 172** to submit that in the said case, this Court has referred the judgment of the Hon'ble Supreme Court in the case of **Shri Krishnan versus The Kurukshetra University, Kurukshetra** reported in **(1976) 1 SCC 311** to hold and declare that once the petitioner had been allowed to appear in the examination and there is no allegation of use of any unfair means in the examination and he/she has cleared the papers by dint of labour, the University is obliged to publish his/her result.

Earlier after hearing learned counsel for the petitioner on 19.06.2023, this Court had granted time to the University to verify the records and take remedial measures, if any required. This Court also granted three weeks' time to the University to file a counter affidavit. No counter affidavit has been filed on behalf of the University. No plausible reason has been advanced before this Court as to why a counter affidavit could not be filed.

In the nature of the grievance of the petitioner and the reliefs prayed in this writ application, this Court is of the considered opinion that once the petitioner has been allowed to appear in the examination of Paper-II of B.Sc. Part-I and she has cleared the same, the University is obliged to publish her result. This is the mandate of the judgment of this Court in case of **Ranjana Gupta** (supra) which has relied upon the judgment of the



Hon'ble Supreme Court in the case of **Shri Krishnan** (supra). The relevant part of paragraph '6' of the judgment in case of **Shri Krishnan** (supra) is quoted hereunder for a ready reference:-

“6.It is, therefore, manifest that once the appellant was allowed to take the examination, rightly or wrongly, then the statute which empowers the University to withdraw the candidature of the applicant has worked itself out and the applicant cannot be refused admission subsequently for any infirmity which should have been looked into before giving the applicant permission to appear.....”

For the reasons stated hereinabove, this Court directs the respondent nos. 4 to 7 to take immediate steps, publish the result and issue the certificates as prayed for by the petitioner within a period of six weeks from the date of receipt/production of a copy of this order.

This writ application stands allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

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