

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3439 of 2023

Shiwani Kumari @ Shivani Kumari Daughter of Umesh Paddar Resident of
Village- Fulkaha, Ward No.- 2, Nawabganj, P.S.- Fulkaha, Dist.- Araria.

... .. Petitioner

Versus

1. The B.N. Mandal University, Madhepura through its Vice Chancellor.
2. The Vice Chancellor, B.N. Mandal University, Madhepura.
3. The Registrar, B.N. Mandal University, Madhepura.
4. The Examination Controller, B.N. Mandal University, Madhepura.
5. The Principal, Forbesganj College, Forbesganj.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Sinha, Advocate
For the Resp.No.1 to 4	:	Mr.Ritesh Kumar, Advocate
		Mr.Shivam Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-06-2023 Heard learned counsel for the petitioner and learned
counsel for the University.

Petitioner claims that she had appeared in B.Sc.
(Hons.) Part-III examination in the year 2018 held in the April
2019 conducted by the University but her final result has been
withheld saying that there is a gap in appearance in the
examination as she did not appear in B.Sc. (Hons.) Part-II
examination just in the next year.

It is her case that the University had allowed the
petitioner for appearing in B.Sc. Part-II examination 2017 and
thereafter the University had allowed her to appear in B.Sc.
(Hons.) Part-III examination in the year 2018 pursuant to which



the petitioner had appeared, therefore, at this stage her result cannot be withheld. Reference has also been made to an order of this Court passed in CWJC No. 3839/2021 in the case of Samir Kumar Vs. Baba Saheb Bhim Rao Ambedkar, Bihar University and others).

Learned counsel for the petitioner submits that in this case the petitioner had appeared in B.Sc. Part-II examination 2014, but had failed. She, however, passed Part-II examination of 2017 which is within a period of three consecutive years.

Learned counsel for the University submits that on perusal of the writ application it would appear that the petitioner has not approached the competent authority of the University raising her grievance and has directly moved this Court, whereas in the case of Samir Kumar, he had raised his grievance before the respondent authorities which had remained pending for consideration.

Be that as it may, this Court grants liberty to the petitioner to file a representation before the Registrar, B.N. Mandal University, Madhepura (Respondent no. 3) raising her grievance within a period of one month from today. Respondent no. 3 shall consider the same and take an appropriate decision thereon keeping in view that in similar circumstance the case of



Samir Kumar was considered.

Let such decision and consequential action be taken within a further period of one month after submission of representation.

This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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