

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2453 of 2023**

Shinku Kumar Son of Sunil Singh, Resident of Village- Sirnawaz Police Station - Wena, District- Nalanda.

... .. Petitioner

Versus

1. The Vice Chancellor of Baba Saheb Bhimrao Ambedkar Bihar University Muzaffarpur (Bihar).
2. The Controller of Examination of Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur (Bihar).
3. The Registrar, Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur (Bihar)
4. The Secretary Swami Raghvendracharya Tridandi Ayurved College and Hospital, Karzara Gaya (Bihar)
5. The Principal Cum Director, Swami Raghvendracharya Tridandi Ayurved College and Hospital Karzara Gaya (Bihar)

... .. Respondents

**Appearance :**

|                      |   |                                                                       |
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| For the Petitioner/s | : | Mr.Chandra Sen Prasad Singh, Advocate                                 |
| For the University   | : | Mr.Sanjeev Kumar, Advocate<br>Mr.Indrajesh Kumar, Advocate            |
| For the College      | : | Mr. Manish Kumar No. 2, Advocate<br>Mr. Avinash Kumar Singh, Advocate |

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

6      20-06-2023                      Let the counter affidavit on behalf of the Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur (hereinafter referred to as the ‘University’) be taken on the record.

Heard learned counsel for the petitioner, learned counsel for the University and learned counsel for the Swami Raghvendracharya Tridandi Ayurved College and Hospital, Karzara, Gaya (hereinafter referred to as the ‘College’).

Petitioner in the present case has sought a Writ in the nature of Writ of Mandamus to allow him to appear in the



practical examination of the II Bachelor of Ayurvedic Medicine and Surgery (in short “BAMS”) (2018-22) from the College center. He has further prayed for a direction commanding the Respondent Nos. 1, 2 and 3 to accept the examination fee and forms for II- BAMS (2018-22) Examination forms from the petitioner.

It is not in dispute that the petitioner is a student of the College. Respondent No. 4 is the Secretary and Respondent No. 5 is the Principal of the College. The grievance of the petitioner is that the Respondent No. 4 issued a letter dated 15.03.2022 communicating the petitioner not to appear in the practical examination.

Learned counsel for the petitioner submits that one FIR being Wazirganj P.S. Case No. 116 of 2022 dated 12.03.2022 was lodged against the petitioner and his father in which it was alleged that the petitioner along with his father had entered into the College premises and had assaulted the staffs of the College. However, after investigation, police did not find sufficient materials to proceed against the petitioner and some other accused persons and accordingly, they were not sent up for trial.

Learned counsel submits that even without waiting for



the investigation report, the impugned communication as contained in Annexure '1' was issued restraining the petitioner from appearing in the practical examination. He was also not allowed to fill up the examination forms of II- BAMS (2018-22) Examination. At this stage, learned counsel submits that the examination of II- BAMS has started and he was not allowed to take up the examination which was held in the year 2022.

Learned counsel submits that at this stage, the examination of the year 2023 is being held with effect from 19.06.2023 but because the petitioner has not been allowed to fill up the examination form, he would not be allowed to take the said examination.

Learned counsel for the University has filed a counter affidavit. The stand of the University is that it has a very limited role to play in filling up of the examination forms. It is for the College to accept the examination forms and fee and take steps towards issuance of admit cards. The University generates admit cards on the basis of the forms provided by the College.

The University, however, admits that in the case lodged against the petitioner no material was found against him and he has not been sent up for trial. The University admits that by virtue of the Court's order, the University vide letter no. 331



dated 24.04.2023 directed the College to allow the petitioner to appear in the supplementary practical examination. The College has permitted the same and the petitioner appeared in the practical examination.

Learned counsel for the University submits that within a period of one week, the University will publish the result of the practical examination.

Learned counsel for the University as well as the College have jointly submitted that in case if this Court directs the petitioner would be allowed to take ongoing examination which has started from 19.06.2023, he could appear in the remaining papers and in this regard, his examination forms and fee shall be accepted.

So far as the left over papers are concerned, the petitioner may appear in the supplementary examination of those papers which will be arranged by the University/ College.

Having regard to the facts and circumstances of the case, the nature of the submissions and materials on the record, this Court directs the University to publish the result of the petitioner within a period of one week from today. In anticipation of his result, the College shall allow the petitioner to fill up his examination forms with requisite fee within one



week and in the meantime, arrangements shall be made to allow the petitioner to appear in the ongoing examination subject however to his passing of the examination.

Learned counsel for the petitioner has raised grievance as regards Annexure ‘1’ to the writ application, however, this Court finds that in view of the developments which have taken place by virtue of judicial orders of this Court the communication as contained in Annexure ‘1’ has become insignificant and inoperative.

This writ application is allowed.

**(Rajeev Ranjan Prasad, J)**

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