

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7698 of 2019

Binod Kumar Ram, Son of Radhe Shyam Ram, Resident of Village-Suryapura, Police Station- Basantpura, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Higher Education, Government of Bihar, Patna.
4. The Vice-Chancellor, Jai Prakash Universities, Chapra.
5. The Registrar, Jai Prakash Universities, Chapra.
6. The Controller of Examination, Jai Prakash University, Chapra.
7. The Principal Paras Koushal Degree College, Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Javed Aslam, Advocate
For the Respondent/s	:	Mr. Madhaw Prasad Yadav, GP-23
		Mr. Arvind Kumar, AC to GP-23
For University	:	Mr. Ritesh Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 04-05-2023 Heard learned counsel for the petitioner, learned counsel for the State along with learned counsel appearing for the University.

2. The petitioner has filed the present writ application for a direction to the University to declare the result of B.A. (Hons.) Part-III for the Sessions 2011-2014 which has been held up by the University without any reason.

3. The brief fact of the case is that the petitioner appeared in B.A. (Hons.) Part-I examination (Geography Hons.) in the year 2012 for the Sessions of 2011-2014 having



Registration No. 1112400856/11 issued by the Jai Prakash University, Chapra. The petitioner was pursuing three years B.A. (Hons.) course in Geography stream from Paras Kaushal Degree College, Chapra. The photo copy of the admit card issued by the University having registration number is at Annexure-1 to the writ application. The petitioner passed B.A. Geography (Hons.) Part-1 examination in 2012.

4. Further, the petitioner appeared in B.A. (Hons.) Part-II examination (Geography Hons.) in the year 2013 having same registration number conducted by J.P. University, Chapra for which admit card having registration number was duly issued by the University which is at Annexure-3. He passed the B.A. (Hons.) Part-II examination also and the result was published on 28th September 2013. A copy of the Part-II Examination result having the name of the college as well as registration number of the petitioner is at Annexure-4 to the writ application.

5. The petitioner appeared in B.A. (Hons.) Part-III examination with Geography Hons in the year 2014 conducted by the J.P. University having same registration number but the University did not publish the result of the petitioner, which prompted the petitioner to approach this Court.



6. The dispute lies here when the University, for the first time, has come out with the objection that the registration number on which the petitioner was allowed to appear earlier was not the registration number of the petitioner but the same was the registration number allotted to some other student, namely, Beauty Kumari who was pursuing the course of BA (Hons.) History from the same college.

7. Learned counsel for the petitioner submits that there was no fault on part of the petitioner and he participated in the examination process conducted by the University on the basis of duly allotted registration number, admit card etc., by the University. Mark-sheets have also been issued containing the registration number of the petitioner up to B.A (Hons.) Part-II examination. He further submits that the petitioner filed a representation before the Registrar of the University for correction of his registration number but till date nothing has been done by the Registrar and the result of the petitioner has been withheld arbitrarily. Learned counsel next submits that the same registration number allotted to some other student, namely, Beauty Kumari who was pursuing another stream of BA (Hons.) i.e., History may be due to some typographical error on part of the college and/or University.



8. Learned counsel for the University, on the other hand, submits that from the registration register maintained in the University, it appears that the registration number of the petitioner as mentioned in the admit card as well as in the mark-sheet issued for the BA Part-I & II examination was allotted to some other student of BA (Hons.) History, namely, Beauty Kumari. Learned counsel further submits that it appears that the petitioner was not allotted the registration number at all and by mistake on part of the College, the petitioner has been allotted registration number which had earlier been allotted to some other student, namely, Beauty Kumari.

9. I have heard learned counsel for the parties and have gone through the materials on record. It emerges from the fact as available on record that admittedly the petitioner has appeared in two examinations i.e., BA (Hons.) Part-1 and Part-II for the session 2011-2014 in which he was given the registration no. 1112400856/11. He also appeared in BA Part-III examination with Geography (Hons.) having same registration number for which an admit card was also issued by the University having aforesaid registration number but now the University has withheld the result on the ground that this registration number allotted in favour of the petitioner is not



correct and there is no record before the University regarding the registration of the petitioner having been done either at the level of the college or the University earlier at any point of time. This Court finds that at no point of time the College and/or the University has informed the petitioner regarding the incorrect registration number allotted to him and the University kept on issuing the same registration number in favour of the petitioner and allowed him to appear and issued mark-sheets also in his favour.

10. In view of the aforesaid fact, the irresistible conclusion is that the petitioner is not at fault. The Court is of the opinion that the fault lies with the University and or the College concerned. The petitioner cannot be penalized by the University for no fault on the part of the petitioner and it is the University which had issued the registration number to the petitioner as would be evident from the admit-card and the mark-sheet issued for BA (Hons.) Part-I, II & III examination. Accordingly, I direct the Registrar as well as Controller of Examination of the University to rectify the registration number of the petitioner and if need be allot a fresh registration number in his favour so that the petitioner is given the mark-sheet of BA Part-III (Geography Hons.) examination held in April 2014 and



result was declared on 30.08.2014 wherein the petitioner is said to have become successful. Accordingly, I direct the University to issue the mark-sheets of all parts complete in all respect with corrected/fresh registration number within a period of two months from the date of production/receipt of a copy of this order.

11. The writ petition stands allowed.

(Anil Kumar Sinha, J)

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