

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8439 of 2022

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Vivek Vikram Son of Vivekanand Singh Resident of 302, Dhanraj Tower,
Khagaul Road, Nageshwari Nagar, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

1. The Patna University through its Registrar, Ashok Rajpath, Patna.
2. The Vice Chancellor, Patna University.
3. The Registrar, Patna University.
4. The Examination Controller, Patna University.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar
For the Respondent/s : Mr. Ajay

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 11-05-2023 The petitioner has filed the present writ application for a direction to the respondents-University to declare the Part-III result of B.Sc. (Physics Hons.) Examination, in which the petitioner has appeared and has successfully passed.

2. The petitioner was admitted in B.Sc. (Physics Hons.) course, in the Science College, Patna, under the Patna University, Patna, in the sessions 2019-22. The petitioner participated in the Part-I examination of B.Sc. (Physics Hons.) in the year 2020 and cleared all the papers, except one paper of Hindi Composition, in which the petitioner was declared fail. However, the petitioner was admitted in B.Sc. (Physics Hons.) Part-II course in the year 2021 and successfully passed the Part-



II examination of B.Sc. (Physics Hons.). The petitioner was, thereafter, admitted to Part-III course of B.Sc. (Physics Hons.) by the University and according to the petitioner, he attended the class of Part-III course of B.Sc. (Physics Hons.).

3. The controversy, at this stage, was that the University was not allowing the petitioner to appear in Part-III examination of B.Sc. (Physics Hons.), which was going to be held in the year 2022 on the ground that the petitioner had not cleared the Part-I examination of B.Sc. (Physics Hons.) held in the year 2020 inasmuch as the petitioner was declared fail in Hindi Composition paper of that part.

4. This Court, by order, dated 14.06.2022, taking note of the fact that the petitioner was admitted in Part-III course of B.Sc. (Physics Hons.) by the University and has attended the classes of that Part, passed the order, observing that if it is so, let the petitioner be permitted to appear in the Part-III examination, scheduled to be held from 15.06.2022 by the University.

5. It is an admitted position that the University allowed the petitioner to appear in the B.Sc. (Physics Hons.) Part-III examination and accordingly the petitioner appeared in the Part-III examination of B.Sc. (Physics Hons.) and has cleared all the papers of Part-III also. In the mean while, the



petitioner appeared and passed the Hindi Composition paper of Part-I of B.Sc. (Physics Hons.), held in the year 2022 for the sessions 2021-24, for which the University issued the admit card to the petitioner (Annexure 1 to the supplementary affidavit).

6. According to the parties, the petitioner successfully passed the Hindi Composition paper of Part-I of B.Sc. (Physics Hons.) and the result of the same was also published by the University.

7. Now, the position is that the petitioner has passed in all the three Parts (i.e., Part I, II and III) of B.Sc. (Physics Hons.) and also cleared Hindi Composition paper of Part-I of B.Sc. (Physics Hons.) with the permission of the University, for which the University has duly issued admit card and mark sheet.

8. Learned Counsel for the University submits that as per Regulation 14.2 of the University Regulation, the candidates, who have not cleared Part I Examination, in no case, be admitted to the Part III class and the petitioner was not admitted in Part-III course of B.Sc. (Physics Hons.) by the University.

9. I have heard learned Counsel for the parties concerned.

10. From perusal of the order, dated 14.06.2022, it



appears that specific statement was made on behalf of the petitioner that the petitioner was admitted in Part-III course of B.Sc. (Physics Hons.) by the University and he attended the classes also and this Court, while considering this statement, in its order, dated 14.06.2022, observed that if it is so, let the petitioner be permitted to appear in the Part-III examination of B.Sc. (Physics Hons.).

11. It is not in dispute that the University has allowed the petitioner to appear in B.Sc. (Physics Hons.) Part-III examination and he has appeared in the Part-III examination of B.Sc. (Physics Hons.), pursuant to the order, dated 14.06.2022, and has passed the same also.

12. Now, the only issue is with regard to issuance of mark sheet of Part-III examination of B.Sc. (Physics Hons.), in which the petitioner has participated and successfully passed also.

13. In view of the fact that the University has allowed the petitioner to appear in Part-III examination of B.Sc. (Physics Hons.) and the petitioner has also cleared Hindi Composition paper of Part-I of B.Sc. (Physics Hons.), after having been allowed by the University for appearing in the said examination in the year 2022, and also taking into consideration the career of



the petitioner, in my opinion, the mark sheet of Part-III examination of B.Sc. (Physics Hons.) be issued by the University in favour of the petitioner.

14. Accordingly, I direct the respondent no. 3- the Registrar, Patna University, Patna, to issue the mark sheet of Part-III examination of B.Sc. (Physics Hons.) as well as certificate of passing the B.Sc. (Physics Hons.) Examination in favour of the petitioner within a period of thirty days from the date of receipt/production of copy of this order.

15. In the result, this application is allowed.

16. The present order has been passed in the peculiar facts of this case. Accordingly, this order shall not be treated as precedent.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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