

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18460 of 2018

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Rohini Kumari Daughter of Sri Bum Shankar Jaiswal, Resident of Village-
Baniya Chak, Police Station- Barahat, District- Banka.

... .. Petitioner/s

Versus

1. Tilka Manjhi Bhagalpur University, Bhagalpur through its Registrar
2. The Vice-Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
3. The Examination Controller, Tilka Manjhi Bhagalpur University, Bhagalpur.
4. The Officer on Special Duty, Tilka Manjhi Bhagalpur University, Bhagalpur.
5. The Centre Superintendent Mahadev Singh College, Bhagalpur.
6. The Principal Mahadev Singh College, Bhagalpur.
7. The Principal Adwaita Mission Training College, Mandar, Vidyapeeth,
Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Manoj Kumar Singh, Advocate
For the University	:	Mr. Diwakar Yadav, Advocate
For Respondent nos.5&6:		Mr. Manish Kumar, Advocate
For Respondent no.7	:	Mr. Uday Pratap Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 02-08-2023 Heard learned counsel for the petitioner, the

University and the College.

2. Petitioner in the present case is seeking a writ in

the nature of a writ of mandamus commanding the

respondent authorities to publish the fresh result of the

B.Ed. Examination 2017 (1st Year) in respect of petitioner

after addition of marks obtained in subject C-2 and C-5 in

which the petitioner has appeared but in the mark-sheet the

petitioner has been shown absent.



3. It appears that the petitioner was a student of B.Ed. Course in Adwaita Mission Training College, Mandar, Vidyapeeth, Banka (respondent no.7). She had appeared in the examination of B.Ed. 1st year from Mahadeo Singh College, Bhagalpur centre.

4. The petitioner claims that she had appeared in all the subjects including C-2 and C-5 but when the result was published the marks obtained in these two subjects were not shown and the petitioner was shown absent in these two subjects. She has questioned the result showing her absence in these two subjects.

5. Learned counsel for the Centre Superintendent, Mahadev Singh College, Bhagalpur and the Principal, Mahadev Singh College, Bhagalpur (respondent nos. 5 and 6 respectively) have drawn the attention of this Court towards Annexure- 'R/8' which is a copy of the letter dated 25.11.2017 written by the Principal of the centre-college to the Controller of Examination, Tilka Manjhi Bhagalpur University, Bhagalpur wherein it is stated that in the examination held on the said date (25.11.2017), this petitioner had left the examination centre without



submitting her answer-book. A four member sub-committee was constituted to enquire into the matter, whereafter the enquiry was held wherein it has been held that the petitioner had taken away her answer-book on 25.11.2017.

6. Learned counsel for the respondent nos.5 and 6 submits that they have sought guidelines from the University with regard to award of marks in paper C-2 but no guideline has been issued. It further appears that till date the University has not filed any counter affidavit. This court, therefore, grants liberty to the petitioner to approach the Vice-Chancellor, Tilkha Manjhi Bhagalpur University, Bhagalpur (respondent no.2) with respect to her claim of marks in paper C-2 within a period of 30 days from today.

7. So far as the claim for marks in paper C-5 is concerned, on the face of Annexure-'R/8' to the counter affidavit of respondent nos.5 and 6, no mandamus can be issued.

8. As regards paper C-2, the Vice-Chancellor of the University shall take an appropriate view in accordance with law and a reasoned order shall be passed within a period of two months from the date of receipt of an application/representation from the petitioner.

9. In the peculiar facts of this case, the petitioner



may seek liberty from the University to appear in paper C-5 in the ensuing examination. If any such liberty is prayed for, the same will also be considered by the Vice-Chancellor keeping in view the future prospects and career of the petitioner.

10. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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