

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8589 of 2023

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Aditya Kumar S/o Ranjana, R/o Sabita Nibas, B-31, Vyas Nagar Colony, Near
Vijay Eye Hospital, Ashiana Digha Road, P.S. Rajeev Nagar, Distt. Patna
-800025.

... .. Petitioner

Versus

1. Aryabhatta Knowledge University (A.K.U.) through Vice Chancellor, Gyan Parishar, Mithapur, Patna.
2. The Vice Chancellor, Aryabhatta Knowledge University (A.K.U.), Patna, Gyan Parishar, Mithapur, Patna.
3. The Registrar, Aryabhatta Knowledge University (A.K.U.), Patna, Gyan Parishar, Mithapur, Patna.
4. The University of Unfairmeans Committee through the Controller of Examination, Aryabhatta Knowledge University (A.K.U.), Patna, Gyan Parishar, Mithapur, Patna. Email akuexam1@gmail.com.
5. The Controller of Examination, Aryabhatta Knowledge University (A.K.U.), Patna, Gyan Parishar, Mithapur, Patna. Email akuexam1@gmail.com.
6. The Principal, St. Xaviers College of Management and Technology, Patna, Digha-Ashiyana Road, District Patna.

... .. Respondents

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Appearance :

For the Petitioner : Mr.Santosh Kumar, Advocate
For the Respondents : Mr.Md. Nadim Seraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-07-2023 Heard learned counsel for the petitioner and learned
counsel for the Aryabhatta Knowledge University, Patna
(hereinafter referred to as the “University”).

Petitioner in the present case is aggrieved by and
dissatisfied with the decision of the University’s Unfairmeans
Committee (Respondent No. 4) as contained in the order dated
19.04.2023 (Annexure ‘3’) whereby and whereunder the
respondent no. 4 took a decision to cancel the current



examination of the petitioner and debarred him from the next University examination.

On perusal of the writ application, it appears that on 01.03.2023 the petitioner was appearing in BBA 2nd Semester Examination, 2022. As per allegations, he left the examination hall without submitting the answer book i.e. he took the answer book along with himself. A notice to show cause was issued to the petitioner vide Annexure '1' to the writ application. The petitioner submitted his reply wherein he took a plea that he was having a medical condition whereunder he has developed Drug Resistance Epilepsy due to which some time he has blackouts and is unable to control himself.

The University considered the show cause of the petitioner but not being satisfied with the same passed the impugned order.

Learned counsel for the petitioner submits that the petitioner may be given an opportunity to appear in the next university examination.

Learned counsel for the University, however, submits that no writ application would lie against the decision of the Committee (Respondent No. 4). So far as the principles of natural justice is considered, the University has complied with



the same. It is further submitted that any interference with the decision of respondent no. 4 in such matter, without there being any perversity with the order of respondent no. 4, would create a precedents which should be avoided.

Having heard learned counsel for the petitioner and the University, this Court finds substance in the submission of learned counsel for the University. There is no denial of the fact that the petitioner had left the examination hall with the answer book. He did not complain about any health issue at the examination centre, moreover, with his show cause also he did not enclose any material to show that on the said date when he left the examination centre, he had sought any medical assistance. In the opinion of this Court, the extraordinary writ jurisdiction of this Court need not be invoked in the facts of the present case.

This Writ Application is, thus, dismissed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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