

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8297 of 2023

Prince Kumar Son of Late Anil Kumar Singh, Resident of Village-Sirnawan,
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 :

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-06-2023 Heard learned counsel for the petitioner, learned counsel for the Baba Saheb Bhimrao Ambedkar Bihar University, Muzaffarpur (hereinafter referred to as 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 is seeking the following reliefs:-

“I) For issuance of appropriate Writ, order or direction commanding the Respondent Nos. 1, 2



and 3 to publish the Result of petitioner of Third B.A.M.S. (Ayurvedacharya) Examination 2021 Session 2015-2019 held in the month of March 2022 of College S.R.T.A.M.C. & H Gaya by taking and adding the marks obtained in Theory and Practical Supplementary Examination which has been held on 25/4/23 to 29/4/2023 as the petitioner has been allowed to appear in Supplementary Practical Examination vide letter no. 16/04/Gy/2023 dated 22/4/2023 by the Secretary cum Director of College.

II) For issuance of appropriate Writ, order or direction commanding the respondents No. 1, 2 and 3 to publish the result of petitioner who has appeared in Theory and Practical Examination 3rd B.A.M.S. taking into account the Theory marks obtained by petitioner which was held in the month of March 2022 and marks obtained in Practical Examination held from 25/4/23 to 29/4/23 in which petitioner has been allowed to appear by Secretary cum Director of College in the light of C.W.J.C. No. 2453 of 2023 dated 21/4/23.

III) For issuance of appropriate Writ or direction commanding the Respondent No. 4 and 5 not to spoil his bright career but to save the career and prosperous life as guaranteed under Article 21 of the Constitution of India.”

Petitioner happen to be a student of the College. Respondent No. 4 is the Secretary and Respondent No. 5 is the Principal of the College. During the academic session (2015-19) of Bachelor of Ayurvedic Medicine and Surgery (in short



“BAMS”) course, the Secretary of the College (Respondent No. 4) issued a letter dated 15.03.2022 communicating the petitioner not to appear in the practical examination.

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 III- BAMS (2015-19) Examination. At this stage, learned counsel submits that the examination of III- 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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