

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14521 of 2019

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Ravi Prakash, Son of Srivastva Himanshu Kumar, Resident of - Gandhi Nagar, P.S.- Katihar, Dist- Katihar.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary of Education Department Bihar, Patna.
2. The Vice Chancellor, Bhupendra Narayan Mandal, Laloo Nagar, Madhepura.
3. The Registrar, Bhupendra Narayan Mandal University, Laloo Nagar, Madhepura.
4. The Examination Controller, Bhupendra Narayan Mandal University, LalooNagar, Madhepura.
5. The Principal, Suryadeo Law College, Lal Kothi Road Katihar, Dist- Katihar.
6. The Civil Sub Divisional Officer-Cum-Administrative Body Member of Suryadeo Law College, Lal Kothi Road, Katihar, Dist- Katihar.
7. The Registrar, Purnea University, Purnea.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Arun Kumar Mandal, Advocate
For the State	:	Mr. Shashi Shekhar Tiwary, AC to AAG-13
For the University	:	Mr. Ritesh Kumar, Advocate
For the College	:	Ms. Anukriti Jaipuriyar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 03-08-2023 Heard learned counsel for the petitioner, learned counsel for the State, learned counsel for the Bhupendra Narayan Mandal University (hereinafter referred to as the ‘University’) and learned counsel for the Suryadeo Law College (hereinafter referred to as the ‘College’).

2. This writ application has been filed seeking a writ in the nature of Mandamus directing the respondents to declare the result of the petitioner who claims that he had successfully passed out the LLB Part II examination during the Session



2015-2018. The grievance of the petitioner is that even though he had appeared in the 9th paper i.e. practical paper known as Moot Court in LLB Part II but the marks of the 9th Paper has not been added in the mark-sheet of the petitioner as a consequence whereof his LLB Part II result remained incomplete and he was not allowed to fill up examination form for LLB Part III.

3. Learned counsel for the petitioner submits that the petitioner sought information of the details of answer books dispatched by the College in connection with the 9th Paper and he has been informed by the Center Superintendent that the petitioner along with 211 students were present on 23.05.2018 and the petitioner's answer book along with 211 students was dispatched to the University.

4. Since then, the petitioner has been making representations and copies of such representations have been brought on record as Annexure '3 Series'.

5. It is submitted that the petitioner took admission in Part III on 15.05.2019 for which the College took Rs.7,190/- as admission charge. Copy of the admission receipt in Part III has been enclosed as Annexure '4' to this writ application.

6. It is further submitted that the Examination Controller of the University sent a letter dated 24.05.2019



(Annexure '5') to the Principal of the College and called upon him to make available the answer-sheet of 9th Paper Practical in a sealed cover.

7. It is submitted that the letter of the Examination Controller is in conflict with the stand of the Center Superintendent (Annexure '2') which would show that the details of the answer books dispatched to the University contains the roll number of this petitioner.

8. It is submitted that the petitioner has lost his valuable academic years and future prospects because of the loss of the Practical answer book at the end of the Respondent University.

9. A counter affidavit has been filed on behalf of the College (Respondent No. 5). It is stated therein that the Practical examination in the College is conducted by the external examiners who are being appointed by the University to conduct Viva-Voce/ Moot Court/ Practical Examination in the College and these external examiners are not under control of the College.

10. It is further stated that the external examiner after conducting the practical examination assign the respective marks to the examinee and hand over the sealed cover of the



result to the College which is then forwarded to the Controller of the Examination.

11. The College Principal or the Center Superintendent are not allowed to open/tamper the sealed envelope containing the marks assigned by the external examiner and is only required to forward the same in a sealed envelope to the Controller of Examination of the University.

12. It is stated that in the present case, no sooner did the Controller of Examination demanded practical answer book of the petitioner that the College dispatched the practical answer book in a sealed cover through Special Messenger Gautam Kumar on 25.05.2019 itself, the receipt of which has been brought on record to show promptness on the part of the answering respondent.

13. In course of submission, learned counsel for the College has drawn the attention of this Court towards Annexure 'R-1' annexed with the counter affidavit which contains acknowledgment of the receipt of the sealed packet containing the practical answer book of the petitioner.

14. Learned counsel for the University submits that the University is ready and willing to publish the result of the petitioner but in absence of answer book of the petitioner for the



9th paper, the same has not been published till date.

15. The Controller of Examination, Bhupendra Narayan Mandal University has joined recently on his post and is ready to comply with the directions issued by this Court in it's terms and spirit.

16. Having heard learned counsel for the petitioner, learned counsel for the College, learned counsel for the University and learned counsel for the State, this Court finds that for no fault on the part of the petitioner, he has suffered all these years and in the process, he has lost at least five academic years. The University does not deny the receipt which is Annexure 'R/1' to the counter affidavit filed on behalf of the College. Annexure 'R/1' is supported with an affidavit of the Professor-in-Charge of the S.D. Law College, Katihar. It is stated that on 25.05.2019 itself, the practical answer book of the petitioner was sent to the University in a sealed cover through Special Messenger and the receiving of the same has been brought on record.

17. No reply by way of denial of the statements made in the counter affidavit of the College has been filed on behalf of the University.

18. The University admits its willingness to publish



the result of the petitioner and this Court has been informed by learned counsel for the University that the University can do it by awarding average marks to the petitioner.

19. While this stand of the University at this stage is well-appreciated but this Court is unable to comprehend as to why it took more than five years to the University in taking this stand? Why the University did not attend to the representations of the petitioners and the Authorities of the University were not sensitive towards the consequences of not publishing the result of the petitioner in the given paper.

20. This Court, therefore, finds that on this issue the University and its Authorities have utterly failed to show promptness and sincerity towards their responsibility to publish the result of the petitioner within a reasonable time. If in absence of the practical answer book, the result could have been published by awarding average marks, at least that would have served the purpose and the petitioner would have completed his LLB Part III by the year 2018 but that has not been done.

21. This Court, therefore, finds it a fit case to award a reasonable amount of compensation and cost to the petitioner which is assessed at Rs.2,00,000/- (Rupees Two Lakhs) and Rs.25,000/- (Rupees Twenty Five Thousand) respectively.



22. The Vice-Chancellor, Bhupendra Narayan Mandal University and the Registrar of the University who are Respondent Nos. 2 and 3 respectively shall inquire into the matter, fix the responsibility and realize this amount from the erring officials. The compensation and cost be paid to the petitioner within a period of one month from today.

23. This Court further directs that the result of the petitioner be published within two weeks and the petitioner shall be allowed to pursue his studies in Part III and take examination thereof.

24. The Registrar, Purnea University (Respondent No. 7) under whose jurisdiction now the College in question lies, shall facilitate the continuation of course by the petitioner in accordance with law.

25. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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