

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11190 of 2023

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Shinku Kumar Son of Sunil Singh, Resident of Village-Sirnawaz Police Station Wena, District-Nalanda. Petitioner/s

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).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chandan Prasad Singh
For the State	:	Mr. Madhav Prasad Yadav, GP-23
		Mr. Arvind Kumar, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 05-12-2023 1. Learned counsel for the petitioner submits that the petitioner has been made to fail in the 2nd Year Practical Examination of BAMS (Ayurvedacharya) Session 2018-22 by the College due to vested interest and with malafide intention inasmuch as the External Examiner was not called by the College/University for the said examination and due to bias against the petitioner, he has deliberately been given lesser marks by internal examiner due to which the petitioner has been declared failed.
2. Accordingly, his submission is that this Court may issue direction to the University to change the College of the



petitioner for the purpose of examination only.

3. On the other hand, learned counsel for the University submits that the prayer of the petitioner is not supported by any relevant facts. The petitioner appeared in the B.A.M.S. (Ayurvedacharya) 2nd Year Supplementary Examination, 2021 Session 2018-2022 and has obtained below the minimum passing marks in Charak Samhita (Purvardh) and Roga Nidan and Vikriti Vigyan, as such, he has been declared fail. Now the petitioner has to reappear in the 2nd Year Examination to be conducted by the University.
4. In view of the fact that the petitioner has failed in the 2nd Year Examination and has also failed to produce any statutory provision to change the college for the purpose of taking examination only, as such, this Court is not in a position to give any direction as prayed for by the petitioner.
5. In view of the aforesaid, I do not find any merit in this case, accordingly, this writ application is dismissed.

(Anil Kumar Sinha, J)

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