

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11042 of 2023

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Priti Kumari Sinha D/o Amod Kumar, Resident of Mohalla- Chandpur Bela,
P.S. Jakkanpur, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar Through the Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.
2. The Director, Higher Education, Govt. of Bihar, Patna.
3. The Vice-Chancellor, Magadh University, Bodh- Gaya, Gaya.
4. The Examination Controller, Magadh University, Bodh-Gaya, Gaya.
5. The Principal, Arvind Mahila College, Patna.
6. The Vice-Chancellor, Patliputra University, Patna.
7. The Examination Controller, Patliputra University, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar Singh, Advocate
For the Magadh University	:	Mr.Sunit Kumar, Advocate
For the Patliputra University	:	Mr.Rana Vikram Singh, Advocate
		Ms.Rasika, Advocate
For the State	:	Mr.Subhash Chandra Mishra, SC-16

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner, learned counsel for Patliputra University and Magadh University and Mr. Subhash Chandra Mishra, learned SC-16 for the State.

2. By filing this writ application, the petitioner is raising grievance against the conduct of the respondent- Magadh University in not granting her permission for filling up the examination form for B.Sc. (Honors) 3rd Year on the ground that her registration is of the year 2017 and she cannot be allowed to take an examination of the said course/ programme after the end of five years.

3. Learned counsel has brought to the notice of this Court the representation as contained in Annexure '2' to the writ



application wherein the petitioner has specifically stated that she had appeared in the 3rd year examination conducted by the Magadh University in the year 2020 but the result of the same was published in the year 2022. Her contention is that if the Magadh University has taken two years in publication of the result then it would not be just and proper on the part of the Magadh University in not allowing her to appear in the examination on the ground that five years have expired from the date of registration.

4. Learned counsel for the Magadh University and Patliputra University are present.

5. In normal circumstance, this Court would have granted them time to file a counter affidavit, however, from the submissions made on behalf of the Universities what has transpired is that certain issues have cropped up between the Magadh University and Patliputra University.

6. Mr. Rana Vikram Singh, learned counsel representing the Patliputra University submits that the Patliputra University is maintaining its calendar and is taking all its examinations well on time but because it was the Magadh University who had taken the examination of the petitioner in the year 2020 and there was a delay on their part in publication of the result, the petitioner has suffered on account of expiry of the five years period from the date of her registration. It is, thus, one of his submissions that while the



Patliputra University is alive to the cause of the petitioner and is ready to take remedial measures because now by virtue of a smooth transfer of the administrative power from one University to another University and the College is within the jurisdiction of the Patliputra University, it is the Patliputra University who has to conduct the examination, however, his suggestion is that the Magadh University should also be directed to take remedial measures including that to extend the period of registration of the petitioner.

7. Learned counsel for the Magadh University submits that for this purpose the petitioner would be required to register afresh.

8. At this stage, this Court is of the *prima facie* view that for the fault on the part of the Magadh University in not publishing the result of the petitioner for two years, the petitioner cannot be allowed to suffer. It is the responsibility of the Magadh University to ensure that whatever impediment comes on the way of the petitioner in filling up the examination form for the 3rd year examination through the Patliputra University are removed immediately and expeditiously.

9. This Court is also of the considered opinion that the Patliputra University being the successor of the Magadh University in so far as it relates to the College in question for purpose of conducting the examination is under obligation to take note of the defaults which have taken place in the matter of publication of result



by the Magadh University. Both the Universities are to act in tandem with each other, swiftly and expeditiously to ensure that the career of the petitioner be not ruined for the reasons attributable to the Universities.

10. This Court, therefore, directs the Vice Chancellor of the Magadh University as well as the Patliputra University (Respondent Nos. 3 and 6) respectively as also the other authorities of the two Universities to look into the grievances of the petitioner and take remedial measures as early as possible to allow the petitioner to participate in the coming examination of the 3rd year.

11. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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