

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.21519 of 2018**

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Kumar Gaurav son of Sri Basant Kumar Srivastava, resident of Village-  
Chhota Telpa, Lala Toli, Chhapra, P.S.- Town, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. Jai Prakash Vishwavidyalaya (University), Chapra, through its Registrar
2. Vice Chancellor, Jai Prakash Vishwavidyalaya University, Chhapra.
3. Registrar, Jai Prakash Vishwavidyalaya University, Chhapra.
4. Controller of Examination, Jai Prakash Vishwavidyalaya University, Chhapra.
5. Principal, B.S.M. Degree College, Mashrakh
6. Principal, Hoti Lal Ramnath College, Amnour, Saran.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar, Advocate  
For the University : Mr. Ritesh Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

6      05-09-2023                      Heard learned counsel for the petitioner and the  
  
University.

2. This writ application has been filed seeking the  
following reliefs:-

“(i) Issuance of a direction, order or writ  
including writ in the nature of mandamus  
commanding the concerned respondent  
authorities under the Jai Prakash  
Vishwavidyalaya (University), Chapra  
(hereinafter referred to as “the University”) to  
take steps towards publishing the results and  
issuing original marks sheet/certificate and  
Original Degree in favour of the petitioner who  
has appeared & passed in the Part III



Examination, 2015 with respect to Three Year Degree Course in Bachelor of Science in Chemistry Honours (Session 2011-2014) conducted by the University for the session 2011-2014;

(ii) Issuance of a declaration holding that the petitioner is entitled for issuance of his result with respect to Three Year Degree Course in Bachelor of Science in Chemistry Honours (Session 2011-2014) conducted by the University for the Session 2011-2014 as he has already been allowed to appear in the final year examination conducted by the University in the month of September, 2015 and have passed in all the previous examinations of the said course;

(iii) Issuance of a direction, order or writ including writ in the nature of mandamus commanding the concerned respondent authorities under the University to issue original Registration slip of the petitioner bearing Registration no. 1112102130 of year 2011 in lieu of the registration for Three Year Degree Course in Bachelor of Science in Chemistry Honours (Session 2011-2014);

(iv) Any other relief or reliefs that the petitioner may be found to be entitled in the facts and circumstances of the present case.”

**3.** After hearing learned counsel for the petitioner and the University on 01.08.2023, this Court passed the following order:-



“Let the rejoinder of the petitioner be taken on the record.

Learned counsel for the petitioner has pointed out certain discrepancies with respect to (i) registration number given on Annexure ‘C’ to the supplementary counter affidavit and (ii) the marks awarded to the petitioner in Paper V of Part III which is an Honours paper. According to him, 37 marks awarded to him in Paper V would amount to failing in the said paper, therefore, how his result has been published showing him to have passed the examination in First Class is something which is not comprehensible.

Mr. Ritesh Kumar, learned counsel for the Jai Praksh University (hereinafter referred to as the ‘University’) prays for and is granted two weeks’ time to seek instruction to take any remedial measures, if any, required on the part of the University and file a compliance affidavit showing redressal of the grievance of the petitioner.

List this matter after two weeks i.e. on 17.08.2023 under the same heading maintaining its position.”

4. Again on 17.08.2023, the submissions of learned counsel for the petitioner and the University were taken on the record as under:-

“Mr. Ritesh Kumar, learned counsel for the Jai Prakash University, Chapra has made a statement by way of clarification that because



the petitioner has obtained 150 marks out of 300 full marks for Paper V, VI & VII in Part IIIrd examination, his obtaining only 37 marks in Paper V will not make any difference and even as the pass marks individually of Paper No.V, VI & VII has been shown as 45, the University takes into consideration the total marks obtained in these three Papers it should not be less than the pass marks of 135.

Learned counsel submits that he will file an affidavit to the aforesaid effect within one week.

Learned counsel for the petitioner submits that earlier his marks-sheets of Part I and Part II were computerized marks-sheet but the final marks-sheet (Annexure 'C' to the supplementary counter affidavit) of respondent nos. 1 to 4 is handwritten.

Let this case be listed on 28th August, 2023 under the same heading maintaining it's position.

The Controller of Examination, Jai Prakash University, Chapra shall file his affidavit clarifying the aforesaid issues."

5. Thereafter, a second supplementary counter affidavit has been filed on behalf of the University. Paragraphs '4', '5' and '6' of the counter affidavit are recorded hereunder for a ready reference:-

"4. That it is respectfully stated and submitted that as per Regulation 14.1 of the



Regulations for Bachelor of Science (General/Honours) Examination (Three Year Degree Course) “In order to pass the B.Sc. (Honours) Part-I or Part-II or Part-III examination a candidate must obtain not less than double 45% of the total marks in the Honours subject and 33% of the total marks in each of the other subjects of the examination.

Provided that in subjects involving Practical examination he must obtain (I) in case of Honours subject, not less than 67 marks in Papers I and II taken together and 23 marks in the Practical portion of these papers, or not less than 67 marks in Papers III and IV taken together and 23 marks in the Practical portion of these papers or not less than 135 marks in Paper V, VI & VII taken together and 45 marks in Paper VIII, as the case may be and (ii) in case of a Subsidiary subject not less than 23 marks in the Theory portion and 10 marks in the Practical portion of each of the papers.

Provided further that if he has offered two languages in Composition, he must obtain at least 15 marks each language and 33 marks in the paper as a whole.

5. That it is respectfully stated and submitted that from the Examination Regulation it is clear that if a candidate obtains 135 marks in Paper V, VI and VII taken together, he will be declared pass, therefore in the present case since the petitioner has obtained 150 marks in the Paper V, VI and VII



taken together, he has been declared as pass. It is really unfortunate that the petitioner being a Student of B.Sc. (Hons.) is not aware about the Examination Regulation, which is in public domain and unnecessarily made a statement that unless he gets 45 marks in Paper V, he will not be declared as pass and the University by declaring him pass is playing with his career.

6. That it is respectfully stated and submitted that so far the question of giving Computerised Mark-sheet of Part-III Examination is concerned, the University will provide the petitioner the same, but it will take at least 1 month, since the same will be printed and generated from Allahabad and after its receipt in the University Examination Department, the petitioner can collect the same.”

6. Taking note of the aforesaid statements made on behalf of the University, this writ application is being disposed of with a direction to the University to make available the petitioner a duly computerized marksheet of Part III Examination within a period of one month from today.

**(Rajeev Ranjan Prasad, J)**

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