

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18229 of 2022

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Vishal Kumar S/o Vijay Prasad Gupta, resident of Vill and P.O. - Yaduapatti,
P.S. - Kumarkhand, District - Madhepura, Bihar. Petitioner/s

Versus

1. B.N. Mandal University Madhepura, Bihar, through its Registrar.
 2. The Registrar, B.N. Mandal University, Madhepura, Bihar.
 3. The Controller of Examinations, B.N. Mandal University, Madhepura, Bihar.
 4. Millia Institute of Technology, Purnea, Bihar through its Director.
- Respondent/s
- =====

Appearance :

For the Petitioner/s	:	Mr.Navneet Prabhakar, Advocate
	:	Mr. Gyanendra Kumar, Advocate
For the Respondent/s	:	Mr.Ritesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 07-10-2023

1. Heard the learned counsel for the parties.
2. The present writ petition has been filed for a direction upon the respondent- University to release the combined mark-sheets of all End-term Examination (beginning from 1st year to 4th year) and the Original Degree Certificate along with College Leaving Certificate, Migration Certificate and other relevant documents to the petitioner, who has passed the course of B.Tech. in Civil Engineering in the Session 2012-16, which the petitioner has completed in the year, 2017.
3. The brief facts of the case, according to the petitioner, are that petitioner was enrolled in B. Tech. in Civil



Engineering in the year 2012 (Session 2012-2016) at Millia Institute of Technology at Rambagh, Purnea, Bihar, affiliated to the B.N. Mandal University, Lallo Nagar, Madhepura and was allocated registration no. 37096. The exam was held annually for all four years. According to the petitioner, though the petitioner had submitted form for the Term Examination, 2012-2013 after completion of academic year but he could not appear in the said examination, however the petitioner appeared in the next year i.e. 2013-2014 and passed in all papers of the 1st year and was admitted to the 2nd year. The petitioner then registered for the second year and appeared for examination in the year 2014-2015 and passed in all the papers and was forwarded to the 3rd year, however in 3rd year i.e. 2015-2016, the petitioner appeared in the examination but could not pass in three papers namely Surveying-II, Soil Mechanics and Structural Analysis-I and was promoted to the fourth (final) year as per the regulation of the University, by virtue of clearing minimum 05 papers out of 08 papers. In fourth year i.e. 2016-2017, the petitioner appeared for the final term and passed 06 out of 08 papers. The papers in which the petitioner could not pass are Contracts Specification & Accounts and Pre-Stressed Concrete Design.



The petitioner had then appeared for third year examination for 03 papers only, held in the month of January, 2018 for clearing his backlog papers of third term namely Surveying-II, Soil Mechanics and Structural Analysis-I, however the petitioner cleared only two papers i.e. Surveying-II and Soil Mechanics but could not pass in Structural Analysis-I. Thereafter, the petitioner cleared the Structural Analysis-I in the 3rd year examination held in the month of January, 2019 along with his 3rd year papers. The said examination was held in the month of January, 2019, in which, along with his 4th term papers, the petitioner cleared the backlog papers of Contracts Specification & Accounts and Pre-Stressed Concrete Design.

4. The aforesaid facts are not disputed by the University. Though the petitioner has passed in all the papers of B.Tech. (Civil) Engineering examination held by the University but the only objection which has been raised by the University is that the petitioner was admitted in the new course but he passed 3rd year examination in the old course.

5. The aforesaid submission of University has been rebutted by the learned counsel appearing for the petitioner, who submits that the petitioner was admitted in the old course



for the Session 2012-2016 and the new course was introduced from the year 2014, onwards. He next submits that in the mark sheet at page-30, the word “old course” mentioned by the University does not mean that the petitioner was admitted in the new course. The name of the subjects in all the years are the same. The University has not brought on record, the subjects which have been introduced for the new course of B.Tech. (Civil Engineering).

6. After having heard learned counsel for the parties, it appears that the petitioner participated in the examination in order to clear his backlog papers. The mark-sheets have already been issued by the University and upon perusal of the mark-sheets even of the old course which the petitioner is said to have appeared and cleared in third term, this Court finds that the name of the subjects for old course as well as new course are the same, which is not disputed by the University. The petitioner was allowed to appear in the examination by the University in different years and the petitioner has, admittedly, cleared all the subjects and passed four years B.Tech. (Civil Engineering) Course. Accordingly, the writ application is allowed. The University is directed to provide consolidated mark-sheet and other relevant



documents, as demanded for by the petitioner in paragraph
no. 1 of the writ application, within one month.

(Anil Kumar Sinha, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.10.2023
Transmission Date	NA

