

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9683 of 2022

Prabhat Kumar Singh Son of Sri Krishna Singh, resident of Village-Salahpur,
Post Office and Police Station-Andar, District-Siwan.

... .. Petitioner/s

Versus

1. The Vice Chancellor, Jai Prakash University, Chapra, Bihar.
2. The Registrar, Jai Prakash University, Chapra, Bihar.
3. The Examination Controller, Jai Prakash University, Chapra, Bihar.
4. The Principal, D.B.S.D.D. College Kadna Rampur Garkha, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Garg, Adv.
For the J.P.U.	:	Mr. Bindhyachal Rai, Adv.
		Mr. Chandan Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 01-08-2024

Heard learned counsel for the petitioner and learned
counsel for the University.

2. This writ application has been filed seeking direction to
the respondent Authorities for issuance of the marksheet of
B.Sc. (Mathematics) Hons. Part III and original certificates of
passing of B.Sc. (Mathematics) Hons. Examination 2009-12 to
the petitioner.

3. The facts of the case, in brief, are that the petitioner
had taken admission in B.Sc.(Mathematics) Hons. in
D.B.S.D.D. College, Rampur (Kadna), Garkha, Saran in the
year 2009 and he got enrolled/registered himself for B.Sc.



(Mathematics) Hons. Part-1. The respondent University had issued Admit Card to the petitioner for the B.Sc. (Mathematics) Hons. Part-I Examination, in which the petitioner appeared and was declared pass. Thereafter, the petitioner has taken admission in B.Sc. (Mathematics) Hons. Part-II in the same college and filled up his examination form for B.Sc. (Mathematics) Hons. Part-II. The respondent University has issued Admit Card to the petitioner for B.Sc. Part-II, Examination 2011, but due to some unavoidable circumstances, he could not appear in subsidiary papers of the said examination except the Hons. Paper and accordingly he declared failed in the said examination due to non-appearance in the examination. However, he was promoted in the B.Sc.(Mathematics) Part-III due to the reason that he passed the B.Sc. (Mathematics) Part-II Hons. Paper in the year 2011 itself. The petitioner was allowed to take admission in Part III of the said course by the college and fill up the examination form for B.Sc. Part-II (rest paper) and B.Sc. Part III both in the same year. The respondent University has issued Admit card for B.Sc. Part-II and B.Sc. Part-III to the petitioner and accordingly, he has appeared in both examination. Afterwards, he was declared passed in the B.Sc. II (rest papers) and B.Sc. (Mathematics) Hons. Part-III. The result of B.Sc. Part-II of the



petitioner has been declared on 31.10.2012 by the respondent University after the declaration of result of the B.Sc. (Mathematics) Hons. Part III examination by the University, but the College Authority did not provide Marksheet of B.Sc. (Mathematics) Hons. Part III and original certificate of the B.Sc. (Mathematics) to the petitioner and asked to the petitioner to enquire with regard to the same from the University. Thereafter the petitioner has approached the University Authorities for the said purpose, but the University Authorities have refused to accept any written representation of the petitioner and ultimately the respondent University has refused to grant the same to the petitioner.

4. Learned counsel for the University submits that there is impediment in the way of the University in publishing the result as it is contrary to the Regulation 7.1 & 8 of the Examination Regulation of the University and for that reason his result has been kept pending.

5. It is further submitted that the petitioner appeared and passed B.Sc. (Mathematics) Hons. Part-I Examination 2010. He appeared in B.Sc. (Mathematics) Hons. Part-II Examination 2011, but did not appear in subsidiary papers of the said examination except the Hons. Paper only and accordingly, he



declared failed in the said examination due to non-appearance in the examination. However, as per the Regulation, he was promoted to B.Sc. Part-III. The petitioner appeared in B.Sc. Part-II & Part-III Examination in the year 2012 and cleared the both. Simultaneously, although as per the Examination Regulation, before clearing Part-II Examination, he was not eligible to appear in Part-III Examination. The petitioner cleared the Part-III Examination before clearing the Part-II Examination, which is contrary to the Regulation 7.1 & 8 of the Examination Regulation of the University.

6. Per contra, learned counsel appearing on behalf of the petitioner has submitted that once the petitioner was allowed to appear in B.Sc. (Mathematics) Hons. Part III, 2012, the issuance of marksheet of B.Sc. (Mathematics) Hons. Part-III as well as original certificate of B.Sc. (Mathematics) Hons. of the petitioner could not have been declined by the University on technical grounds. He has placed reliance upon Supreme Court's decision in case of *Shri Krishna Vs. Kurukshetra University* reported in *1976 (1) SCC 311*.

7. In view of the aforesaid discussions, it is not disputed that if the petitioner was allowed to take examination of B.Sc. (Mathematics) Hons. Part-III along with B.Sc. (Mathematics)



Hons. Part-II (rest papers) and if he appeared and passed the same, the University cannot be allowed now to take plea that they have wrongly allowed the petitioner to appear in the examination contrary to their own Regulation as they have allowed the petitioner to appear at the examination with open eyes.

8. Considering the facts aforesaid, this writ petition is allowed with a direction to the University to declare the result of the petitioner and issue the Marksheet of B.Sc. (Mathematics) Hons. Part-III and original certificate of B.Sc. (Mathematics) Hons. to the petitioner.

9. It is made clear that the entire exercise must be completed within a maximum period of three weeks from the date of receipt/production of a copy of this order.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.08.2024
Transmission Date	NA

