

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6228 of 2016

Niraj Kumar Mishra Son of Sri Naval Kishore Resident of village - Mow
Bazar, Police Station - Vidyapati Nagar, District - Samastipur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Vice Chancellor, T.M. Bhagalpur University, Bhagalpur
3. The Controller of Examination, T.M. Bhagalpur University, Bhagalpur
4. The Principal, Marwari College, Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Lakshmindra Kumar Yadav
For the Respondent/s : Mr. A.K.Choudhary Aag-13

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 01-04-2024 1. The preset writ application has been filed for direction to the respondent-authorities of the University to pay the compensation to the petitioner for delay in holding examination and for delay in publishing result of the Bachelors of Business Administration (Honours) course for the session 2003-06.
2. Learned counsel for the petitioner submits that the petitioner was admitted in the Marwari College, Bhagalpur, under T. M. Bhagalpur University, Bhagalpur, in the B.B.A. (Hons.) course for the session 2003-06. The petitioner took examination of the Part-I in the year 2005 and the result was published in the year 2007 instead of 2006.



3. Since the result of the petitioner was defective and as he could not pass the Part-I examination, on the suggestion of the teachers, the petitioner took fresh examination of Part-I held in the year 2007. The result of which came in the year 2008.
4. It was found from the cross-list that the petitioner was shown as absent in all papers except one paper. However, the result was corrected, but it took long time due to carelessness of the office bearers and the corrected result was handed over to the petitioner in the year 2009.
5. The petitioner, thereafter, tried to appear in the Part-II examination, but he was told that the old session 2003-06 has ended and the date of filling-up of forms has already expired. Therefore, the petitioner was told to get permission from the University for appearing in the Part-II examination. However, he was denied to fill-up the form of Part-II examination.
6. Being aggrieved, the petitioner moved before this Court in CWJC No. 5272 of 2009. This Court vide order, dated 05.08.2009, directed the University and the College to permit the petitioner to appear in B.B.A. (Hons.) Part-II examination. The petitioner appeared in the Part-II examination in the year 2009.
7. Nevertheless, the petitioner was not allowed to appear in



the Part-III examination stating that he has not cleared the Part-I examination.

8. Learned counsel further submits that the petitioner was always ready to take examination of remaining paper of Part-I, but the University and the College did not take the examination of the remaining papers of Part-I.
9. The petitioner came to know in the year 2012 that some students of old course were going to appear in the Part-I examination, as such, he made a request that he should be given opportunity to appear in the remaining papers of Part-I examination. The petitioner was allowed to appear in the examination of remaining papers of Part-I in the year 2012.
10. Thereafter, the petitioner filled-up the form of Part-III examination in the year 2013, but the examination was held in the year 2014 and the result of the same was published in the year 2015.
11. Thus, argument of learned counsel for the petitioner is that there was inordinate delay in conducting the examination by the University, therefore, the petitioner is entitled to be compensated in terms of money by the respondents.
12. No one appears on behalf of the University.
13. I have heard learned counsel for the petitioner.



14.After hearing the arguments of learned counsel for the petitioner, this Court comes to the conclusion that the petitioner himself was responsible for delay inasmuch as he did not clear his B.B.A. (Hons.) Part-I examination at the first attempt and in the second attempt also he was found absent. However, the matter was resolved subsequently and it was found that the petitioner did not pass in some papers of Part-I examination, in which he was allowed to appear, along with some of the students of old session, in the year 2012.

15.Moreover, the writ petitioner has failed to point out the violation of any of the fundamental rights of the petitioner, accordingly, in my opinion the prayer of the petitioner for compensation in this writ application cannot be granted by this Court.

16.This writ application is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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