

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14211 of 2024

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Kartikaye Singh S/o Rajeev Ranjan Singh R/o Alallpatti, DMC, V.I.P. Road,
Ahila, P.S.- Laheriasarai, Darbhanga, Bihar.

... .. Petitioner/s

Versus

1. Aryabhatta Knowledge University, Patna through its Vice-Chancellor.
2. The Vice-Chancellor, Aryabhatta Knowledge University, Patna.
3. The Registrar, Aryabhatta Knowledge University, Patna.
4. The Controller of Examination, Aryabhatta Knowledge University, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gyan Shankar, Adv.

For the Respondent/s : Mr. Bindhyachal Rai, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 07-10-2024 Learned counsel for the petitioner has filed the reply
to the counter affidavit today in the Court.

2. Let it be kept on record.

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

4. This writ petition has been filed for the following
reliefs:

*“(i) For the quashing of the result of 3rd
Professional M.B.B.S. Part II
Examination, 2023 of the petitioner
(Annexure- P/4) in which the respondents
have not evaluated the answer papers of
the petitioner pertaining to 3rd
Professional M.B.B.S. Part II
Examination, 2023 and further the*



petitioner has been declared fail in all four subjects namely Medicine, Obstetrics and Gynaecology, Surgery and Paediatrics I due to the Cancellation of Paper.

(ii) For the quashing of the letter no. 005/Exam/027/AKU/2024 (Vol.-XIX) - 3920 dated 20.08.24 (Annexure-P/5) issued on behalf of the Respondent No. 4 by which the petitioner has been informed with the decision of the University of "Cancellation of the Current Examination" taken in view of the recommendation of the Unfairmeans Committee.

(iii) For quashing of the decision of the University as mentioned in the letter dated 20.08.24 for "Cancellation of the Current Examination" of the petitioner pertaining to his 3d Professional M.B.B.S. Part II Examination, 2023.

(iv) For quashing of the punishment of "Cancellation of Current Examination" as imposed upon the petitioner vide letter dated 20.08.24 (Annexure-P/5).

(v) Further the respondents may be directed to evaluate the answer papers of the petitioner of all four subjects namely Medicine, Obstetrics, and Gynaecology, Surgery and Paediatrics I and declare



the result of the petitioner accordingly.

(vi) And any other appropriate relief(s) may be given to the petitioner under the given facts of the case.”

5. Learned counsel for the petitioner submits that the respondent no. 4 issued a show cause notice to the petitioner by which the petitioner was directed to submit his explanation for unfairmeans during the examination of paper Surgery II, but he has not been served with the report of the Central Superintendent/Invigilator. Petitioner submitted his reply to show cause before the respondent no. 4 denying all the allegation levelled against him. Learned counsel for the petitioner further submits that on 06.07.2024, result of 3rd Professional MBBS Part-II Examination, 2018 was declared in which the petitioner has been declared to be failed in all four subjects due to cancellation of the current examination due to unfairmeans which shows the highhandedness of the University. Learned counsel for the petitioner submits that before cancelling the current examination of the petitioner, no enquiry was conducted in order to establish the fact that whether any mobile phone was recovered from the petitioner from examination hall and it was also not enquired by the University that as to how and under what manner the mobile phone was recovered from the



petitioner but in fact petitioner himself handed over his mobile phone to the invigilator. He further submits that neither the central Superintendent nor the Invigilator was examined or their statements were recorded by the Unfairmeans Committee before taking the decision of cancellation of the current examination of the petitioner. He submits that the present case of the petitioner is squarely covered with the ratio as decided vide judgment/order dated 22.12.2017 passed in a similarly situated case bearing C.W.J.C. No. 17950 of 2017 by this Court which has been affirmed by the Division Bench of this Court in L.P.A.No. 91 of 2018 on 12.03.2018.

6. A counter affidavit has been filed by the respondents in which it is stated that during the examination of the Surgery Paper II, the petitioner was found and caught cheating with mobile phone as had been reported by the Central Superintendent of Examination Centre and the Invigilator of the Examination to the University, therefore, the decision to cancel the current Examination of the petitioner after the meeting of the Unfairmeans Committee held on 16.07.2024, following the principles of natural justice.

7. Considering the facts and circumstance of the case and the fact that the case of the petitioner is squarely covered by



the judgment passed in C.W.J.C. No. 17950 of 2017 by this Court which has been affirmed by the Division Bench of this Court in L.P.A. No. 91 of 2018 on 12.03.2018, this writ petition is allowed quashing the result of 3rd Professional M.B.B.S. Part II Examination, 2023 (Annexure-P/4) and letter No. 005/Exam/027/AKU/2024(Vol.-XIX)-3920 dated 20.8.2024 (Annexure-P/5).

8. Respondent authorities are directed to evaluate the answer papers of all four subjects, namely Medicine, Obstetrics and Gynecology, Surgery and Pediatric, of the petitioner and declare the result of the petitioner within a period of two weeks.

(Anjani Kumar Sharan, J)

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