

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7392 of 2025

Ujjwal Raj Son of Parmanand Singh Resident of Village- Maniyarchak Rajpur, P.O. and P.S.- Priri Bazar Dist.- Lakhisarai Presently Residing at Mohalla Raza Bazar Piller No.- 35 BMP Road Khajpura Patna Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Education Department Bihar, Patna.
2. The Director, Higher Education Department Bihar, Patna.
3. The Special Secretary, Education Bihar Patna.
4. Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur through its Vice Chancellor.
5. The Vice Chancellor, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
6. The Registrar, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
7. The Controller of Examination, Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur.
8. The Principal, Langat Singh College, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar Sinha
For the University	:	Mr. Bindhyachal Rai
For the Respondent/s	:	Mr. Government Pleader (14)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 217-07-2025
1. Heard learned counsel for the parties concerned.

2. The present writ petition has been filed for a direction to the respondent-Babasaheb Bhimrao Ambedkar Bihar University, Muzaffarpur, (hereinafter referred to as “B. R. A. Bihar University”) to pay compensation of a sum of Rs.



5,00,000/- to the petitioner for the irreparable loss and mental agony suffered by the petitioner due to delay in issuance of the B.A. (Hons.) Part II Marksheet and Degree certificate for the academic session 2019-2022.

3. The petitioner has further prayed for a direction to the respondent no. 5-Vice-Chancellor, B. R. A. Bihar University, to conduct an inquiry into the conduct of university officials who allegedly declared the petitioner "fail" in B.A. (Hons.) Part II Examination held in the year 2022 and subsequently declared him "pass" after grievance redressal.

4. The brief facts of the case is that the petitioner was a student of B.A. (Hons.) English under B. R. A. Bihar University for the academic session 2019-2022. He appeared for the B.A. (Hons.) Part I Examination held in October, 2021 and was declared "pass", pursuant to which he was promoted to B.A. (Hons.) Part II.

5. The petitioner appeared in the B.A. (Hons.) Part II Examination conducted in July, 2022, but was declared "fail", consequently, the marksheet was issued. Thereafter, he reappeared for the B.A. (Hons.) Part II examination in May, 2023, but was again declared "fail". However, marksheet was not issued this time to the petitioner.



6. The petitioner approached the Public Grievance Redressal Officer, Education Department, Government of Bihar, on 17.10.2023, alleging that 17 marks in Question No. 5 of Paper-3 were not awarded to him, as evident from his answer sheet obtained under the Right to Information Act, 2005.

7. The Grievance Redressal Officer advised the petitioner to approach the Registrar of the University and acting upon the same, the petitioner filed representation before the Controller of Examination and other competent authorities seeking redressal, but the degree certificate was not issued to him promptly. Ultimately, upon further appeal to the Principal Secretary, Education Department, the result was corrected and the degree certificate was issued to him on 03.10.2024.

8. Learned counsel for the petitioner submits that the petitioner was declared fail due to University's negligence in evaluation, which adversely affected the petitioner's academic progression. The delay of more than two years in correcting the error and in issuing marksheet and degree certificate caused immense mental trauma, social embarrassment and hardship to the petitioner.

9. Learned counsel for the respondent argued that there was no mala-fide intention or personal animus on the part of the



University causing delay. The grievance was examined and appropriate action was taken once the discrepancy was confirmed. The corrected result has also been issued to the petitioner.

10. Hon'ble Supreme Court in a judgment, reported in **(2002) 7 SCC 478**, in the case of **Rabindra Nath Ghosal v. University of Calcutta and Ors.**, observed in paragraph-9 that *“The courts having the obligation to satisfy the social aspiration of the citizens have to apply the tool and grant compensation as damages in public law proceedings. Consequently when the court moulds the relief in proceedings under Articles 32 and 226 of the Constitution seeking enforcement or protection of fundamental rights and grants compensation, it does so under the public law by way of penalising the wrongdoer and fixing the liability for the public wrong on the State which has failed in its public duty to protect the fundamental rights of the citizens. But it would not be correct to assume that every minor infraction of public duty by every public officer would commend the court to grant compensation in a petition under Articles 226 and 32 by applying the principle of public law proceeding. The court in exercise of extraordinary power under Articles 226 and 32 of*



the Constitution, therefore, would not award damages against public authorities merely because they have made some order which turns out to be ultra vires, or there has been some inaction in the performance of the duties unless there is malice or conscious abuse. Before exemplary damages can be awarded it must be shown that some fundamental right under Article 21 has been infringed by arbitrary or capricious action on the part of the public functionaries and that the sufferer was a helpless victim of that act.”

11. In the present case, the materials placed does not disclose any willful misconduct or malafide on the part of the University's officials. The petitioner has not placed any exceptional circumstance that define monetary compensation. While delay in providing pass certificate may be a negligent act on the part of the University, but the present one is not fit case for awarding compensation under Article 226 of the Constitution of India, particularly when the petitioner has demanded compensation on the basis of mental trauma, social embarrassment and financial loss.

12. Considering the aforesaid discussion, this writ application is, accordingly, dismissed.

13. However, the petitioner, if so desires, is given



liberty to claim compensation for mental agony, social
embarrassment and hardship before the competent court of civil
jurisdiction.

(Anil Kumar Sinha, J)

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