

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13057 of 2024

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Aman Kumar Son of Shri Ravi Bhushan Kumar, Resident of Mohalla-Gandhi Nagar, Ram Nagari Sector-4, P.O. Ashiyana Nagar, P.s. Rajiv Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The Patna University through its Registrar, Patna University, Patna.
2. The Vice-Chancellor, Patna University, Patna.
3. The Registrar, Patna University, Patna.
4. The Examination Controller, Patna University, Patna.
5. The Principal Bihar National College (B.N. College), Ashok Raj Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Rekha Prasad, Advocate
For the State	:	Mr. Rajendra Kumar Giri, Advocate
For the University	:	Mr. Mrigank Mauli, Sr. Advocate
	:	Mr. Manish Dhari Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 25-03-2025 Heard learned counsel for the petitioner, learned counsel for the State and learned senior counsel for the University.

2. The present writ petition has been filed for seeking following reliefs:

i) For issuance of a writ of Mandamus directing the respondents to declare result of B.Sc. Part-III Honours (Statistic) which has been kept pending for no reason, as petitioner has cleared all examination of B.Sc. Part-I and Part-II.

ii) For issuance of writ of mandamus upon respondents directing them to show cause as why result of compartmental examination of B.Sc. Part-I in Chemistry, petitioner has secured 60 marks out of 75 marks, then why his result has been declared "Fail" and absent in "Practical" though he was



passed in final exam of B.Sc. Part-I and secured "17" marks out of 25 marks.

iii) For issuance of writ of mandamus upon Respondents to show cause as to why in the Admit Card of B.Sc. Part-I Compartmental Examination, only date of theory examination was given and no date of practical examination was given nor informed then how he could know that he had to appear for practical examination also, and moreover, the petitioner was passed in B.Sc. Part-I Chemistry Practical.

iv) For issuance of appropriate writ directing the Respondents to show cause as to why the petitioner was promoted to B.Sc. Part-II and Part-III and allowed to appear in Examinations of Part-II and Part-III.

v) For issuance of appropriate writ, direction and order to the Respondents to publish his result because on the basis of marks obtained in B.Sc. Part-III Hons. Examination, he has been admitted in M.Sc. in Central University South Bihar and allotted seat and Hostel and attending classes, and has asked to submit his B.Sc. result within 2-3 months failing which his seat shall be allotted to another candidate.

vi) For issuance of an appropriate writ, direction, order to the respondents directing them that since the petitioner was admitted B.Sc. Part -III and appeared in said examination and no fraud or misrepresentation has been committed/ exhibited against him in taking admission in Part-III and appearing in said examination, therefore on the ground of equity, he cannot be deprived from publication of result of B.Sc. Part-III, Hons.

vii) For issuance of any other relief or reliefs which the petitioner may be found entitled, same may be given to him.

3. The short facts of the present case are that the petitioner got admission to B.N. College, under Patna University in B.Sc. Hons. in Statistics for the session 2021-24. In the year 2022, the petitioner appeared in B.Sc. Part I



examination held in the month of August 2022. On 06.12.2022, the result of B.Sc. Part I was published, and the petitioner was declared promoted but failed in chemistry. In chemistry, the total marks was 100 out of which 75 marks for theory and 25 marks for practical papers out of which the petitioner got 15 marks in theory paper and 17 marks in practical meaning thereby he failed in the theory paper only but passed in practical (Annexure-P/1 of the writ petition).

4. Thereafter, the petitioner was admitted to B.Sc. Part II and attended classes. In February 2023, the petitioner appeared in the Chemistry theory subject in which he failed in B.Sc. Part-I examination. On 16.05.2023, the results of B.SC. Part-I compartmental examination for chemistry was published in which, though the petitioner secured 60 marks out of 75 marks but in the marks sheet he was declared failed as absent in practical (Annexure-P/2 of this writ petition). In March 2023, B.Sc. Part-II exam was held, petitioner appeared in the said examination. On 14.06.2023 result of B.Sc. Part II was published in which the petitioner has been declared passed in all subjects and promoted to B.Sc. Part-III Hons (Annexure-P/3 of this writ application). On 23.08.2023, the petitioner was admitted to B.SC. Part-III (Hons.) in B.N. College, attended



classes as a regular student. In February 2024, B.Sc. Part-III examination of Session 2021-24 was held in which the petitioner appeared and successfully cleared all subjects but when he received his mark sheet he was surprised to see that in his marks column, it was written "Pending" though he got 66.75% i.e. first class (Annexure-P/4 of this writ application).

5. Learned counsel for the petitioner submits that when the result of the petitioner was shown pending, then he went to the office of respondents individually there he was informed that since he did not appear in practical examination of B.Sc. Part-I compartmental examination of Chemistry, therefore he has been declared fail but when the petitioner showed his admit card for compartmental examination there was no mention of any date of practical examination then he was informed that though it is the fault on part of the University but the fact is that he had to appear in practical also. He further submits that if the petitioner failed only in the chemistry theory paper and got 17 marks in practical then the University ought not ask the petitioner to appear further in practical examination.

6. Learned counsel for the petitioner further submits that when the petitioner asked the Principal, B.N. College, that as if he was not passed in B.SC. Part-I examination then why he



was admitted in B.Sc. Part-III and allowed to appear in B.Sc. part-III examination, then he was told by them that it is the fault on the part of authority but now nothing can be done. The petitioner got admission in M.Sc. course in Central University of South Bihar and also allotted hostel (Annexures-P/6 & P/7 of this application).

7. In the admission acknowledgment slip (Annexure:- P/6), an undertaking has been taken from the petitioner to submit final result of B.Sc. Part-III; Migration certification and other relevant certificate in original as and when directed to submit failing which he will forthwith vacate the seat and the amount of fees paid for the semester shall be forfeited.

8. Learned counsel for the petitioner lastly relied upon the various judgments in which the authorities of the University have been directed by this Court to publish result on the ground of equity. Those decisions reported in **(2003) 1 PLJR 28**, **(2004) 2 PLJR 519**, **(2005) 4 PLJR 702**, **(2006) 1 PLJR 587**, **(2009)3 PLJR 633**.

9. A counter affidavit has been filed on behalf of the Respondent Nos.1 to 4 in which it is stated that according to the Examination norms mentioned in Clause 14.1, the petitioner had to appear also in the Practical Paper of Chemistry along with the



theory Paper for getting pass in the subject of Chemistry (Theory + Practical), but he did not appear in the Practical Paper of Chemistry this time in the Year 2023 along with the theory paper of Chemistry. As a result, his Mark-sheet mentioned absent in Practical Paper of Chemistry in the Year 2023 also finally his result was held up for the cause he did not appear in the Practical Paper Examination of Chemistry along with the theory paper which was mandatory as per the norms.

10. The Controller of Examination, Patna University, vide letter no. 6505-10 dated 10.11.1995 had also issued necessary instructions to all concerned quoting the relevant provisions of regulations of the three-year degree course to be strictly followed while checking the Examination Forms and sending them to the University office.

11. Learned counsel for the Respondent Nos.1 to 4 submits that it was detected later on that the petitioner had taken admission in B.Sc. Part-III violating the norms mentioned in 14.2(2). It is under the serious consideration of the University Administration. Regardless of this fact, the claim of the petitioner is not justified. A candidate in order to be declared Pass in B.Sc. Examination, the candidate has to appear in each of the papers in all the parts as and when required as the norms



and must get at least the pass marks.

12. Having heard the submissions advanced on behalf of learned counsel for the parties, it is an admitted fact that the petitioner failed in Chemistry theory paper B.Sc. Part-I but passed the practical examination, thereafter, he appeared in the compartmental examination of Chemistry theory paper and secured the passing marks but he did not appear in the practical examination. It is also an admitted fact that in the Admit Card of the compartmental examination there was no mention of any date of practical examination of the said subject. Further, the petitioner took admission in M.Sc. course in Central University of South Bihar and therein he has given undertaking to submit final result of B.Sc. Part III, Migration Certificate and other relevant certificates in original, failing which he will forthwith vacate the seat of the aforesaid course.

13. Having given my most anxious considerations to the rival submission, I am of the opinion that equity is in favour of the petitioner. The petitioner was admitted in B.Sc. Part III class without any objection. The petitioner was further allowed to appear in B.Sc. Part II and B.Sc. Part III Examination and passed the examination.

14. Considering the ratio laid down by this Court in



the case of *Akhtar Alam vs. B.N. Mandal University and Ors* reported in *(2003) 1 PLJR 28*, the equity is in favour of the petitioner, as such, this Court deems it fit and proper to direct the University to declare the result of the petitioner of B.Sc. Part III Honours (Statistic) forthwith from the date of receipt/production of a copy of this order.

15. With the aforesaid direction, this writ petition is allowed.

(Anjani Kumar Sharan, J)

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