

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19411 of 2024

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Nilkamal Kumar Son of Rajendra Prasad Resident of Village- Haspura, PS-
Haspura, District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through The Chief Secretary Govt. of Bihar, Patna.
2. Principal Secretary, Department of Science and Technology Govt. of Bihar, Patna.
3. Director, Department of Science and Technology Govt. of Bihar, Patna.
4. Vice Chancellor, Bihar Engineering University, Patna
5. Registrar, Bihar Engineering University, Patna.
6. Examination Controller, Bihar Engineering University Patna.
7. Principal, Darbhanga Engineering College, Darbhanga.
8. Dean Student Welfare, Darbhanga College of Engineering Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs. Shruti Sinha, Adv. Mr. Ebrahim Kabir, Adv.
For the Respondent/s	:	Mr. Shiv Shankar Prasad, SC-08
For the B.E.U.	:	Mr. Satyam Shivam Sundaram, Adv. Mr. Ankit, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

7 13-10-2025 Heard learned Advocate for the petitioner and

learned Advocate for the State as well as the University.

2.The petitioner is a student of Darbhanga College
of Engineering, Darbhanga, pursuing study in Civil
Engineering Branch in the Session 2021-2025, has
approached this Court on being aggrieved with the letter No.
1632 dated 26.09.2024 issued by the Principal, Darbhanga
College of Engineer, Darbhanga to the extent it relates to



petitioner, whereby the petitioner has been expelled from the institution and hostel for three months. Challenge is also made to the Office order dated 1640 dated 27.09.2024 issued by the Principal of the College, whereby the petitioner along with others have been deprived from appearing in the mid semester exam and also filling up the form of 6th semester university exam to the extent it relates to the petitioner.

2. Learned Advocate for the petitioner submitted that on account of certain allegations, the petitioner was inflicted with the punishment, aforementioned, the period of which has already been expired. It has further been submitted that during the interregnum period, pursuant to the order of this Court, the petitioner has been allowed to appear in the 7th semester and thereafter in 8th semester, which has been successfully completed by the petitioner. However, till date, results of both the semesters have not been published awaiting the final order of this Court. It has further been submitted that because of the expulsion from the institution for three months, the petitioner has not been allowed to participate in the 6th semester exam, nonetheless, he has completed more than 75% of attendance. Thus, learned Advocate for the petitioner submits before this Court that



the petitioner may be allowed to appear at least along with the students of the academic year, 2022-2026 in the 6th semester, so that the petitioner may complete his Civil Engineering Course.

3. Mr. Satyam Shivam Sundaram, learned Advocate for the College and the University has submitted that on account of the order of punishment, aforementioned, the petitioner has been expelled from the institution and hostel for a period of three months, therefore, he has not been allowed to participate in the academic and non-academic functions of the institution, in the meantime, the 6th semester exam of his session has been completed. Now, at this stage, the petitioner may take admission afresh in 6th semester after completing 75% of attendance in the batch of 2023-2027 and thereafter, may appear and complete his 6th semester examination. He further submitted that since the petitioner has already appeared in the 7th and 8th semesters' exam pursuant to the order of this Court, in identical matter when the issue came up for consideration before the learned Division Bench of this Court in L.P.A. No. 1164 of 2024, the Court, having noticed the concession made by the University, allowed the identical students to join the classes along with



2023-2027 batch in the 5th semester and after maintaining a minimum of 75% attendance, they can write in the examination at the end of the semester. He, thus, submitted that even, in view of the learned Division Bench decision, the petitioner can join the classes along with 2023-2027 batch in 6th semester.

4. Having heard the submissions advanced by the learned Advocates for the respective parties and taking note of the admitted position that the petitioner has already completed more than 75% of attendance in 6th semester before the impugned order came to be passed, in the opinion of this Court, there is no reason or occasion to direct the petitioner to attend the classes and attain 75 % of attendance in 6th semester. Moreover, the learned Division Bench of this Court, in L.P.A. No. 1164 of 2024, found that since the students have not completed 75 % of the attendance, which was found to be mandatory in nature, therefore, such direction has been issued to maintain a minimum of 75% attendance. However, in the case, in hand, the case is, otherwise, the petitioner has already completed 75% of attendance in 6th semester, therefore, this Court finds it fit to direct the concerned University and the College to



allow the petitioner to fill up the form with the students of 2022-2026 batch for 6th semester exam and to allow the petitioner to participate in the 6th semester exam, as the petitioner has already completed the 7th and 8th semester.

5. Besides the aforesaid direction once the petitioner shall appear in the 6th semester exam, the final result of the petitioner must be published in accordance with law along with other students.

6.The present writ petition stands disposed of with the aforesaid direction.

(Harish Kumar, J)

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