

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19125 of 2025

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Ishwar Kumar S/o Dilip Mandal, Resident of Ward No. 3, Bela Shankar,
Darbhanga, P.S.- LNMU, Darbhanga, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Health, Government of Bihar, New Secretariat, Patna.
2. The Additional Chief Secretary, Department of Health, Government of Bihar, New Secretariat, Patna.
3. The Aryabhatta Knowledge University, Gyan Parishar, Mithapur, Patna through its Registrar.
4. The Vice Chancellor, Aryabhatta Knowledge University, Gyan Parishar, Mithapur, Patna.
5. The Registrar, Aryabhatta Knowledge University, Gyan Parishar, Mithapur, Patna.
6. The Controller of Exmination, Aryabhatta Knowledge University, Gyan Parishar, Mithapur, Patna.
7. The Principal, Jawaharlal Nehru Medical College, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ritesh Kumar, Advocate
For the State	:	Mr. Standing Counsel (16)
		Mr. Pramod Kumar Singh, AC to SC-16
For the A.K.University	:	Mr. Nadim Seraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 23-12-2025

Heard the parties.

2. The petitioner after having been successfully passed NEET Examination, allocated Jawahar Lal Nehru Medical College, Bhagalpur and accordingly he admitted in the 1st MBBS course on 30.11.2022. After completion of the course, the petitioner appeared in the 1st Professional MBBS examination, 2023 conducted by the Aryabhatta Knowledge



University, Patna, but unfortunately was declared unsuccessful on account of the petitioner having secured 1 mark less than 150 marks required for being declared successful. The petitioner again appeared in the 1st Professional MBBS (Supplementary) Examination, 2023, but was again declared unsuccessful. The petitioner further appeared in 1st Professional MBBS (Supplementary) Examination 2024 in Human Anatomy and Biochemistry, but this time again he secured 3 marks less than 150 marks.

3. On being surprised that despite his best effort, he could not get the passing marks, he deposited a requisite fee in the University for scrutiny of his marks of both the Theory papers of Biochemistry of 1st Professional MBBS Examination, 2023, but he could not succeed since the scrutiny is conducted only for verifying that whether any mistake has been committed while calculating the marks or whether the marks have not been given in any question due to mistake.

4. Mr. Ritesh Kumar, learned Advocate for the petitioner referring to Section 21(d) of Chapter 1 of the Statutes of the University submitted that the Vice-Chancellor of the University is the competent authority to order for re-evaluation of any answer script. Taking shelter of the aforesaid



prescription, the petitioner submitted a detailed representation before the Vice-Chancellor, Aryabhatta Knowledge University, Patna on 18.01.2025 with a request to re-evaluate and re-total the answer script of the petitioner, since in some of the questions he should have been given some marks, instead of “0” marks, but no action has been taken by the University.

5. It is the contention of the petitioner that in some what identical circumstances some of the candidates have invoked the extraordinary jurisdiction of this Court wherein the concerned Vice-Chancellor have been requested to re-evaluate the answer script in the interest of the student in the light of the prescription aforenoted.

6. Mr. Nadim Seraj, learned Advocate for the Aryabhatta Knowledge University submits that all these orders have been passed under exceptional circumstances, however, this fact also cannot be denied that the petitioner has exhausted all the remedies and in all he could not secure the passing marks.

7. Learned Advocate for the State is also present.

8. Considering the submissions advanced by the learned Advocate for the respective parties and taking note of the fact that the petitioner is declared fail on account of not



having secured the passing marks because of shortage of 1 and 3 marks respectively in the main as well as supplementary examination, this Court accept the contention of the petitioner requesting the Vice-Chancellor to consider the representation of the petitioner for re-evaluation of the answer script, as contained in Annexure-P/3 of the writ petition, subject to deposit of Rs.20,000/- (twenty thousand) within a period of three weeks from today before the Vice-Chancellor of the University.

9. In case, the requisite fee along with representation as well as order of this Court is submitted before the Vice-Chancellor of the Aryabhata Knowledge University, within the period stipulated, his prayer for re-evaluation of the answer script shall be considered and a fresh marks sheet be issued, if there is any change in the marks, in accordance with law.

10. The writ petition stands disposed of.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.12.2025
Transmission Date	NA

