

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.928 of 2026

In
Civil Writ Jurisdiction Case No.1012 of 2025

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Vishal Kumar S/o Vidyasagar Upadhyay, Resident of at - Nayapara, P.O. -
Khuskibagh, P.S. - Sadar, District- Purnea East, Purnea Bihar - 854305.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Health Department, Government of Bihar, Patna.
2. Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
3. The Vice Chancellor, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
4. The Registrar, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
5. The Examination Controller, Aryabhatta Knowledge University, Gyan Parisar, Mithapur, Patna.
6. The Principal, Government Medical College, Bettiah, West Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms.Shrishti Singh
For the Opposite Party/s	:	Mr.Standing Counsel 9
For the University	:	Mr. Awadhesh Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 01-05-2026 1. Heard Ms. Shrishti Singh, learned counsel
appearing for the petitioner and Mr. Awadhesh Kumar, learned
counsel appearing for the University.

2. The present modification application has been filed
by the petitioner for modifying the order dated 19.09.2025
passed by this court in C.W.J.C. No. 1012 of 2025 particularly
paragraph no. -121 by which this court held that the petitioner-
Vishal Kumar shall not be conferred M.B.B.S. degree for a



further period of two years reckoning from the date of the order passed by Vice Chancellor plus he shall be liable to pay a fine of Rs. 5,00,000/-to the University which shall be deposited by him before the expiry of two years.

3. Ms. Shrishti Singh, learned counsel for the petitioner submits that this court disposed the writ application with direction not to hand over M.B.B.S. degree to the petitioner for a period of two years reckoning from the date of the order passed by the Vice Chancellor which means that the purport of the order was to debar the petitioner from M.B.B.S. degree for two academic years and if the date of the order passed by Vice Chancellor is reckoned in that event the petitioner shall loose three academic years, therefore the order may be modified to the extent that debarring the petitioner from conferring M.B.B.S degree shall take effect from the academic year 2024-25 & 2025-26. Secondly, the petitioner faces impossibility in paying penalty of Rs. 5,00,000/- before 11.11.2026. Therefore, if the M.B.B.S. degree is conferred after expiry of academic year 2025-26 and penalty is reduced, the petitioner may be able to earn and deposit the penalty amount.

4. Mr. Awdhesh Kumar, learned counsel for the University on the other hand argued that this court while



disposing the writ application has taken into consideration the disproportionate punishment awarded by the University and after striking a balance between law and equity has passed a well considered order directing the University not to confer M.B.B.S. degree to the petitioner- Vishal Kumar, who has already completed internship and only restriction which has been imposed is that the petitioner shall not be conferred M.B.B.S. degree for two years from the date of order of punishment passed by the Vice Chancellor. The order at paragraph no. 121 of this court does not contemplate that the effect of the order passed by this court was based upon academic session of the M.B.B.S. course inasmuch as the petitioner has already completed his M.B.B.S. course along with internship and if the order is modified on the basis of academic session this will result in awarding punishment even prior to the date of the order passed by the Vice Chancellor on 12.11.2024. Insofar reduction in penalty is concerned, the penalty imposed by this court is not very excessive and is commensurate with the illegal act committed by the petitioner.

5. Regard being had to the submission made by the parties, taking into consideration the nature of prayer made in the modification application and the fact that this court has



passed the order after taking into account the facts and circumstances of the case, accordingly, I do not find any reason to modify paragraph no. 121 of the order dated 19.09.2025. Accordingly, this modification application is rejected.

(Anil Kumar Sinha, J)

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