

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19745 of 2025

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Shivam Kumar S/o Sanjay Thakur, R/o-Near Hanuman Mandir, Adaipur, P.S.-
Hajipur, Hajipur, Vaishali, Bihar-844101.

... .. Petitioner/s

Versus

1. The Vice Chancellor, Bihar Engineering University Mithapur Farm Area,
Mithapur, Patna, Bihar-800001.
2. The Registrar, Bihar Engineering University Patna.
3. The Examination Controller, Bihar Engineering University Patna.
4. The Principal, Motihari College of Engineering, Bariyarpur, Motihari, NH
28A, Furshatpur, Motihari, Bihar 845402.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kumar Saurav, Adv. Mr. Vishal Vikram Rana, Adv.
For the Respondent/s	:	Mr. Satyam Shivam Sundaram, Adv. Mr. Ankit, Adv. Mr. Aman Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 21-07-2026

Heard Mr. Kumar Saurav, learned Advocate for the
petitioner and Mr. Satyam Shivam Sundram, learned Advocate
for the Bihar Engineering University.

2. The petitioner, a bonafide student of Motihari
College of Engineering pursuing the B.Tech. course for the
Academic Session 2024–28, has approached this Court seeking
quashing of the order debarring him from appearing in the 2nd
Semester Examination solely on the ground of shortage of
attendance.

3. Learned Advocate for the petitioner submitted that



as per the official Notice dated 21.05.2025 classes were scheduled to begin from 23rd May, 2025, nonetheless in Motihari College of Engineering, classes were started from 1st July. Office of the principal also directed to hold remedial classes. However, in pursuant thereto, no classes could be held and due to which the petitioner could not achieve the required 75% of attendance. Owing to this he was debarred from appearing in 2nd Semester. It is submitted that while the matter was pending consideration, the petitioner was further not allowed to participate and attend classes of 3rd and 4th Semester examination and due to which he was further debarred from appearing in regular examination of 3rd and 4th Semester; though the petitioner was all along ready to participate and attend the classes.

4. Referring to Regulation issued by the Bihar Engineering University, which is made effective from Academic Sessions 2026-27, it is submitted that Clause 5.5 clearly stipulates, inter alia, that all students admitted in B.Tech/B.Arch Programme will be promoted to the next succeeding semester irrespective of CGPA and there will be a provision of supplementary examination. Any student awarded F, I and X grade in a subject shall be eligible to appear for supplementary



examination. Clause 6.4 of the said Regulation further reveals that as a measure of student's performance, the candidates who have even been debarred, by declaring under Grade X, were also required to be permitted in the next higher grade, but in case of the petitioner, the same has not been done.

5. On the other hand, learned Advocate for the Bihar Engineering University submits that the Regulation which has been referred by the learned Advocate for the petitioner is specifically made effective from Academic Sessions 2026-27 and onwards and the same would not apply in the case of the petitioner. The previous Regulation which governs the case of the petitioner as well as the student of B.Tech and B. Pharma programme, especially Clause 5.10, which stipulates that those students who have been awarded grade X ("debarred") because of poor attendance or for any other reason need to register for the course and attend classes as per rules. Further Clause 6.1 mandates that for appearing at any semester examination a student must attain minimum 75% of lecture delivered in each theory as well as in in sessional/ practical paper.

6. The identical issue has also come up for consideration before the learned Single Judge in CWCJ No. 3571 of 2024 wherein the learned Single Judge while



considering the fact that the student has not acquired 75% of attendance, directed for fresh registration in the next semester. The order of the Single Judge was questioned before the learned Division Bench in LPA No. 380 of 2025 along with LPA No. 409 of 2025. However, the learned Division Bench did not interfere with the order passed by the learned Single Judge and categorically ruled that the requirement of 75% attendance being statutory and binding, condonation beyond the permissible limit cannot be extended to cases where attendance is below 75%. It is trite that sympathy cannot override statutory rules.

7. Considering the submissions advanced by the learned Advocates for the respective parties and upon perusal of the Regulation for the Degree of B.Tech/B. Pharma, which is applicable in the case of the petitioner and made effective from the Academic Sessions 2011-12, this Court finds that as, admittedly, the petitioner has not achieved 75% of attendance, besides there is no such stipulation in the applicable Regulation that he would be allowed to admit in the second Semester, this Court is constrained to pass any positive order. However, it is made clear that in case the petitioner is intending to appear in the 2nd Semester, he may be allowed to register for ongoing



course and attend the classes as per rules, provided under the Regulation.

8. In view of the above, the present writ petition stands closed with clear observation that this order shall not come in the way of the petitioner if he files an application for registration in the 2nd Semester, in accordance with the applicable rules.

9. With the aforesaid observation, the present writ petition stands closed.

(Harish Kumar, J)

Anjani/-

AFR/NAFR	
CAV DATE	
Uploading Date	22.07.2026
Transmission Date	

