

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1217 of 2024

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Sufiya Parween D/o Md. Zubairi Resident of Village- Post- Pirpainti Bazar,
P.S. - District- Bhagalpur at present resident of Village- Barari, P.O.- Sukhari,
P.S.- Meherma, District- Godda, Jharkhand

... .. Petitioner/s

Versus

1. The Vice-Chancellor Bhupendra Narayan Mandal, University Madhepura
2. The Registrar Bhupendra Narayan Mandal University, Madhepura
3. The Examination Controller B.N. Mandal University, Madhepura
4. The National Medical Commission Office at Pocket- 14, Sector- 8,
Bawarika Phase- 1, New Delhi-77
5. The Principal Katihar Medical College, Katihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Asif Kalim, Adv. Mr.Khurshid Alam, Adv. Mr.Majid Mahboob Khan, Adv. Mr.Irfanul Haque, Adv.
For the University	:	Mr.Ritesh Kumar
For the BNMU	:	Mr.Md. Nadim Veraj, Adv.
For the NMC	:	Mr. Kumar Priya Ranjan, S.C. Mr.Sandeep Kumar, Adv. Mr.Sudarshan Bhardwaj, Adv.
For respondent no. 5(Katihar Medical College):		Mr.Indrajeet Bhushan, Adv.
For BNMC	:	Mr.Md.Nadim Seraj, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

12 14-05-2026 Heard learned counsel for petitioner, learned counsel

 appearing for Katihar Medical College, learned counsel

 appearing for respondent-B.N. Mandal University and learned

 counsel appearing for respondent no. 4.

 2. Since the present writ application is being finally

 disposed of with the consent of the parties, therefore, it is

 considered important to recapitulate the facts in brief.



3. In the counter affidavit filed by the respondent-B.N. Mandal University, the University has taken the stand that the petitioner has never attended any class and she remained absent from the classes conducted by the Katihar Medical College. This stand was taken based on the information received from the Katihar Medical College. However, Katihar Medical College, in paragraph 17 and 18 of its counter affidavit, has specifically stated that the petitioner had attended the required number of classes, which as per the college, enables the petitioner to appear at the University examination of first professional MBBS examination for the Session 2017-18. The details of the provisional attendance, establishing that the petitioner has attended the required number of classes, are mentioned in the counter affidavit filed by the respondent-College. In the supplementary counter affidavit filed by the respondent-College, the respondent-College has once again reiterated that the petitioner has attended the required number of classes, which entitles the petitioner to appear in the first professional MBBS examination, Session 2017-18.

4. It is on the basis of the above submissions and pleadings made by the parties that this Court, on 23.04.2026, had made an observation that *prima facie*, the petitioner was



entitled for the relief as prayed for in the writ application. On 23.04.2026, the learned counsel appearing on behalf of the respondent-B.N. Mandal University had taken time to seek necessary instruction on the stand taken by the respondent-College and if the petitioner had actually attended the required number of classes, then in that case, the University was to inform this Court about final decision of the University in this regard.

5. After seeking necessary instruction, a supplementary counter affidavit has now been filed by the respondent-B.N. Mandal University in which the respondent-University has taken the decision of conducting the examination for the petitioner along with other students of the first Year MBBS, provided that the Principal of the College submits certificate that she has attended the required number of lectures and cleared internal examination, if any, required as per the MCI Regulations. The specific decision taken by the University has been stated in paragraph 6 and 7 of the supplementary counter affidavit which is quoted hereinbelow below for needful:

“6. That in view of the above facts, it is submitted that the respondent University has no objection in conducting examination for the petitioner Sufiya Parween along with other students of the First Year MBBS, provided the Principal submits certificate that she has attended



the required number of lectures and cleared internal exams, if any, required as per per MCI regulation.

7. That, the Vice-Chancellor of the respondent University has already passed orders in file to allow the petitioner Sufiya Parween to fill up fees and forms for First MBBS which she would be taking with the students of First MBBS, provided the Principal of the college submits declaration in the form of affidavit that the petitioner has fulfilled all the conditions laid down by MCI and as such be allowed to appear at the First MBBS examination.”

6. The parties are now therefore in agreement that since the University has taken the decision to conduct the examination for the petitioner along with other students of the first year MBBS, therefore, nothing survives in this writ application to be further pursued and therefore the present writ application should be disposed of in terms of the decision taken by the respondent-University as quoted hereinabove.

7. Considering the submissions of the parties, the present writ application stands allowed in terms of the decision taken by the respondent-University, as contained in paragraph 6 and 7 of its supplementary affidavit (quoted hereinabove) whereby the respondent-University has taken decision to conduct the examination of the petitioner along with other students of the first year MBBS, provided that the Principal submits certificate that she has attended the required number of



lectures and cleared the internal examinations and the Vice-Chancellor of the respondent-University has already passed order in the file to allow the petitioner to fill up fees and norms for first year MBBS which she would be taking with the students of first year MBBS students.

8. The writ application is, accordingly, allowed in the aforesaid terms. All pending interlocutory application(s), if any, shall also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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