HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 1163 of 2026

Amit Kumar

.....Appellant(s)

Versus

State of U.P. and 3 others

.....Respondent(s)

Counsel for Appellant(s)	:	Pankaj Kumar Gupta, Mannu Ram
Counsel for Respondent(s)	:	Akanksha Sharma (S.C.), Shambhavi Tiwari, Rohit Pandey

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Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. This appeal is directed against order dated 02.09.2026 passed by learned Single Judge in Writ C No. 34941 of 2026 whereby, the writ petition filed by the appellant, has been dismissed.

2. The writ petition was filed assailing the order dated 04.05.2026 passed by respondent no. 3, Controller of Examinations whereby the application/representation of the petitioner seeking issuance of the final year mark-sheet of B.A. III year was rejected on the ground that the petitioner had failed to complete the course within the maximum permissible period prescribed under the University Regulations.

3. The submissions made in the writ petition were contested by the respondents with reference to Clause A, Point No. 04 (a) of the University Admission Regulations, which prescribes the maximum period within which a student is required to complete the concerned course.

4. Learned Single Judge after hearing the parties, came to the conclusion that the reasoning recorded by the University was based upon relevant Regulations and the material available on record and there was no perversity, arbitrariness or illegality demonstrated by the petitioner in the decision making process so as to require interference and, consequently, dismissed the writ petition.

5. Learned counsel for the appellant, with reference to judgment in **Registrar, Mahatma Jyotiba Phule Rohilkhand Univerity, Bareilly**

and another v. Firoz Ahmad and 2 others : Special Appeal No.996 of 2024, decided on 12.03.2025, made submissions that in identical fact situation wherein the candidate was permitted to appear in examination, Division Bench of this Court, based on the law discussed, came to conclusion that the University was not justified in not issuing the final year mark-sheet of the respondent therein and the issue as raised is squarely covered by the said judgment.

6. On the last date, learned counsel for the respondent-University was granted time to indicate if there was any distinguishing feature in the facts of judgement in the case of **Firoz Ahmad** (supra) and the present case.

7. Today, learned counsel for the respondent-University, based on instructions, fairly conceded that there was no distinguishing feature between the facts of the case in **Firoz Ahmad** (supra) and the present case.

8. In the case of **Firoz Ahmad** (supra), this Court, while deciding the appeal arising from similar circumstances where learned Single Judge had granted the relief, on a challenge laid by the University, came to the following conclusion:

> *"18. We are not impressed by the submissions advanced on behalf of the appellants. The University, being a statutory body, is not supposed to play with the career of a student as per its own convenience. When application forms are admittedly filled up through 'online mode', it was very convenient, rather necessary for the University or the College, as the case may be, to make a provision for a window/box/space on the online form itself or otherwise to check eligibility of a candidate at that very stage so as to either go ahead with the process of examination for a particular candidate or close the chapter to avoid future complications, as have arisen in the present case. If the University or the College took their task so casually and, by all means, allowed the respondent to appear in the back paper examination, they cannot get a defence arising out of their own action/inaction. Further, admittedly, the petitioner has passed the concerned examination and has completed the entire LL.B. Course. "*

9. The order passed by learned Single Judge was upheld and the appeal was dismissed.

10. In the present case also, the respondents apparently oblivious of the Regulations, permitted the petitioner to appear in the examination and he was not only permitted to appear in the examination, his result was also declared, however, refused to issue the mark-sheet, which action of the respondents as laid down in the case of **Firoz Ahmad** (supra), cannot be countenanced.

11. Consequently, the appeal is **allowed**. The order dated 02.06.2029 passed by the learned Single Judge is set aside.

12. The writ petition is allowed. The respondent-University is directed to issue the final year mark-sheet of B.A. III year of the appellant within a period of two weeks.

13. No order as to costs.

(Kshitij Shailendra,J.) (Arun Bhansali,CJ.)

October 28, 2026
Sandeep/Jyotsana

Digitally signed by :-
SANDEEP KUMAR
High Court of Judicature at Allahabad