

(2017) 02 JH CK 0027

In the Jharkhand High Court

Case No : Writ Petition (C) No. 258 of 2017

Abir Chakraborty

APPELLANT

Vs

State of Jharkhand

RESPONDENT

Date of Decision : 02-02-2017

Acts Referred:

Constitution of India, 1950 — Article 226
Jharkhand State Universities Act, 2000 — Section 29(2)
Ranchi University Code — Clause 70

Citation : (2017) 2 AIRJharR 707

Hon'ble Judges : Mr. Aparesh Kumar Singh, J.

Bench : Single Bench

Advocate : Mr. Indrajit Sinha, Advocate, for the Petitioners; Dr. Ashok Kumar Singh, Advocate, for the Respondents

Final Decision : Disposed Off

Judgement

Mr. Aparesh Kumar Singh, J.— Heard learned counsel for the parties. In view of the order proposed to be passed hereinafter, surviving defects are ignored.

2. Petitioner, who is a student of LLB 3 years course under Imamul Hai Khan Law College, Bokaro for the session 2014-17 has been declared fail in 2 papers, Family Law-I and Bankruptcy as having failed to secure the minimum pass marks. He has approached this Court seeking re-evaluation of answer sheets of the relevant papers. Learned counsel for the petitioner has relied upon 2nd proviso to Section 29(2) of the Bihar State Universities Act, 1976.

3. Learned counsel for the Respondent-University submits that reevaluation is not done as per Clause 70 of Chapter-III of the Ranchi University Code, which applies to the Respondent-Vinoba Bhave University as well. Reliance has been placed on a judgment rendered by this Court in the case of Nitish Kumar Jha & others v. The Vice-Chancellor, Sidhu Kanhu Murmu University, Dumka & others passed in W.P.C. No. 5252 of 2014 dated 29.8.2016 where the provisions of

Ranchi University Code have also been referred to. However, on the contention of the petitioner that answers of certain questions have been left unmarked, learned counsel for the Respondent-University submits that in that case answer sheet can be re-checked / re-totaled. If such exercise entails correcting any mark sheet of the petitioner of LLB Part-II, 2016 Examination, it should be done in accordance with law by the competent authority.

4. Having regard to the submission made by the parties in the light of aforesaid facts, this Court is of the view that there is no point in keeping the writ petition pending. The Respondent-University would address the petitioner's grievance made by way of representation in accordance with law within a period of 4 weeks from the date of receipt of copy of this order.

5. The writ petition is disposed of accordingly.