
(2020) 02 PAT CK 0139

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 22383 Of 2019

Khusbu Kumari

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 03-02-2020

Acts Referred:

Citation : (2020) 02 PAT CK 0139

Hon'ble Judges : Ashutosh Kumar, J

Bench : Single Bench

Advocate : Neeraj Kumar, Ashutosh Ranjan Pandey

Final Decision : Disposed Of

Judgement

Heard the learned counsel for the parties.

The petitioner did not pass the 2nd year examination of B.Ed. Course, which was held by the B. N. Mandal University, Madhepura. Later, when the petitioner wanted to appear in the supplemental examination, she was not allowed as she had not appeared or made any attempt at appearing in an examination which was held in the next year. It is for this reason that the late fee was not accepted.

Learned counsel for the respondent / university has submitted that under the Regulation and Ordinance for admission in 2nd year Bachelor of Education (Secondary) Programme under the Universities of Bihar, in case a candidate fails to pass an examination, he / she would be allowed to take subsequent examination on payment of prescribed examination fee without being required to repeat the course again. However, the Regulation further enjoins that this opportunity shall be given only in one more examination, within a period not exceeding three years from the date of admission.

If this is the regulation, then subject to the deposit of late fee, the petitioner is entitled to appear in the examination and she ought not to be stopped only on the ground that she has not appeared in the examination subsequent to the

examination in which she had failed. Such non appearance in an examination for whatever reason, even it be for non-deposit of late fee would not make any difference if three years have not passed from the date of the petitioner having taken admission.

The petitioner is ready to pay the late fine and in that event there should be no objection for the university to accept her late fee and allow her to appear in the next examination.

Limiting such opportunity to a candidate who has failed in a particular examination to only appear in the next subsequent examination is reading something else into the regulation.

All that the regulation under Clause 4.6 indicates is that one opportunity within three years of admission shall be given to a candidate to appear in an examination in which he or she has failed but only after deposit of late fee.

Under the aforesaid facts and circumstances, this Court is of the view that on the deposit of late fee and ensuring that three years from the date of admission of the petitioner has not passed, she be allowed to appear in the examination.

The writ petition stands allowed to the extent indicated above.