
(1992) 12 PAT CK 0030
In the Patna High Court
Case No : C.W.J.C. No. 7415 of 1992

Prem Shankar Yadav

APPELLANT

Vs

L.N. Mithila University and Others

RESPONDENT

Date of Decision : 18-12-1992

Acts Referred:

Citation : (1994) 1 PLJR 691

Hon'ble Judges : S.B. Sinha, J;G.C. Bharuka, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. This application has been filed by the Petitioner for issuance of a writ or direction to the Respondent L.N. Mithila University to publish the result of the Petitioner of B.Sc. Hons. (Chemistry) examination for 1988-89 in which the Petitioner has appeared as a regular candidate from T.P. College, Madhepura.

2. The Petitioner had passed the B.Sc. pass course from the said T.P. College in an examination held in October, 1988. In the counter affidavit filed on behalf of the University, it has been stated that since the Petitioner has secured less than 45% marks in B.Sc. Pass course in Chemistry, therefore, his admission in the College in the honours course was in violation of the Regulation 2(ii) and, therefore, as per the decision of the Examination Board taken on 15.8.92, the result of the Petitioner has not been published. A copy of the said resolution has been filed as Annexure "A" to the counter affidavit. In the said resolution, it has been stated that the College authorities, in spite of repeated reminders and warnings are not acting in accordance with the said regulation and, therefore, it has become incumbent on the part of the University to take a drastic action like the detaining of result of the students who have been admitted to the honours course by the College authorities in violation of the regulations.

3. In C.W.J.C. No. 11050 of 1992 : Punam Kumari Vs. Lalit Narain Mithila University and Others . disposed of today by a Bench of this Court, an identical

resolution passed by the Examination Board of the Respondent University has been considered at length and the result of the student concerned has been directed to be published for the reasons and discussions contained in the said judgment. We make it clear that if the College authorities are acting in violation of the regulations and are not giving due regard to the instructions of the University then it is high time that appropriate actions against the College and its authorities should be taken by the University. We are giving direction to publish the result of the Petitioner because no rule or regulation has been placed before us to show that a student securing less than 45% marks in pass course in the subject concerned can not appear at the examination. Therefore, when there was no infirmity in appearance at the examination, only because the College authorities acted in defiance of the Regulation at the time of taking admission can not per se in our opinion, be a ground for not publishing the result. This application is, accordingly, allowed.