
(2008) 07 PAT CK 0185
In the Patna High Court
Case No : CWJC No. 8665 of 2008

Rajender Singh

APPELLANT

Vs

V.C., Patna University and Others

RESPONDENT

Date of Decision : 23-07-2008

Acts Referred:

Citation : (2008) 4 PLJR 238

Hon'ble Judges : J.N. Singh, J

Bench : Single Bench

Judgement

J.N. Singh, J.—Petitioner has filed this writ application for a direction to the respondents to hold examination of first year Engineering carry over paper of physics and to publish final result thereof. Case of the petitioner is that he was an Engineering student of N.I.T., Patna of 2004-08 Sessions and he completed his first year course in the year 2005, result of which was published in December, 2005. In the said examination, petitioner failed in Mathematics-II and Physics. However, subsequently he cleared Mathematics-II paper. Thereafter, petitioner was required to clear Physics paper for which he approached the authorities of the N.I.T. However, since the N.I.T. had become autonomous in the meanwhile, petitioner was not allowed to clear the said paper by the authorities of the N.I.T. In those circumstances, petitioner approached this Court with the above prayer.

2. This case was heard earlier by this Court and this Court by order dated 30.6.2008 N.I.T. can hold such examination on behalf of Patna University.

3. Learned Counsel for the Patna University submits that if a request is made by the N.I.T. for the purpose, Patna University is ready to consider the request of the N.I.T. and grant necessary No Objection.

4. In view of the rival stand of the parties, this Court directs that N.I.T. will furnish a list of all such students of the period from 2004 to July, 2007 including the petitioner with their details to the Examination Controller of the Patna University within one week from today for according permission to the N.I.T. for

holding special examination to enable the students to clear their carry over papers. Upon receipt of the said list, the Examination Controller of the Patna University shall verify the details of the students and shall grant No Objection to the N.I.T. within one week thereafter. Upon receipt of the No Objection from the Patna University, the N.I.T. will prepare a schedule for holding examination which will not be later than one month after receipt of No Objection and thereafter the schedule permitted, petitioner to appear in the ensuing examination to be held on 10th July, 2008 as per the notice published on 4.6.2008. However, Learned Counsel for the petitioner raises a grievance that in spite of the order of this Court, petitioner was not allowed to appear in the examination.

5. Learned Counsel for the N.I.T. submits that in the notice dated 4.6.2008 it was made clear that the examination was being held only for Semester system. Petitioner was a student of annual system followed by Patna University and of the period prior to July, 2007. Therefore, he could not be allowed to appear in the said examination as that was confined to Semester system only. Learned Counsel for the N.I.T. submits that the N.I.T. is ready to hold special examination of all the students of annual system to clear their carry over papers who were admitted in the Institution from 2004 upto July, 2007. He submits that the liability of conducting examination of these periods was on Patna University, and since Patna University has not conducted examination, hence, if Patna University gives No Objection to the N.I.T., the shall be published in the newspapers with the roll numbers of the students who will be permitted to appear in the examination to clear their carry over papers. If the examination is held, the N.I.T. will publish result of all such students appearing in the examination positively within one month from the date of holding of the examination. It is expected that all the authorities of the N.I.T. and Patna University shall abide by the time schedule fixed by this Court by this order. With the aforesaid observations and directions, this writ application stands disposed of.