
(2010) 06 JH CK 0039
In the Jharkhand High Court

Ramdeo Mandal

APPELLANT

Vs

Sidhu Kanhu University

RESPONDENT

Date of Decision : 24-06-2010

Acts Referred:

Citation : (2010) 06 JH CK 0039

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Judgement

R.K. Merathia, J.—Heard.

2. Mr. C.S. Prasad, learned Counsel appearing for the petitioner, submitted that the grievance of the petitioner is that even though he has passed B.Sc. Part II and III examination, but his result of BSc. Part I examination has been withheld. It is further submitted that in the mark-sheet, it was noted that petitioner failed only in Chemistry and therefore he cleared the Chemistry paper but now on the ground that he failed in Botany Practical, the mark-sheet/certificate of passing B.Sc Final is withheld.

3. On the other hand, Mr. Sanjay Piprawal, appearing for the University, pointed out from the said mark-sheet that in the Botany Practical also, petitioner failed as he secured only 7 marks out of 10 but by mistake, it was not noted in the mark-sheet.

4. On this, Mr. Prasad submitted that an opportunity may be given to the petitioner for clearing the practical Botany Examination.

5. It cannot be believed that the petitioner, being a graduate student, did not understand from the mark-sheet that he also failed in Botany Practical. But he did not take any steps to clear that paper, as he did for Chemistry.

6. Moreover, it appears that petitioner gave B.Sc. final examination in 1999 but he did not take any step in any court of law if the publication of his result was withheld for about 5 years. This writ petition was filed only on 5.8.2005.

7. However, keeping in view that there has been mistake from both sides and that petitioner passed Botany Practical Examination in final B.Sc Examination, the University is directed to consider, whether by giving grace marks in the Botany Practical Examination B.Sc Part I, the petitioner can be declared pass in final B.Sc Examination. If there is any difficulty in that, petitioner be given one chance to clear B.Sc Botany Practical Examination, if he applies for the same, and completes the formalities if any in that regard.

With these observations and directions, this writ petition is disposed of. No costs.

This order, pass in peculiar facts of this case, be not treated as precedent.