

(2008) 12 PAT CK 0067
In the Patna High Court
Case No : CWJC No. 16583 of 2008

Upendra Prasad Karn

APPELLANT

Vs

The B.N. Mandal University and Others

RESPONDENT

Date of Decision : 02-12-2008

Acts Referred:

Citation : (2009) 3 PLJR 841

Hon'ble Judges : Shiva Kirti Singh, J

Bench : Single Bench

Advocate : ithilesh Kr, for the Appellant;

Final Decision : Allowed

Judgement

Shiva Kirti Singh, J.—Heard learned counsel for the petitioner. Nobody appears on behalf of B.N. Mandal University to oppose the prayer made in the writ petition although name of Mr. H.P. Singh, Advocate appears in the cause-list and a copy of the writ petition has been served on him as counsel for the University. Petitioner had earlier moved this court for similar relief but at that stage the writ petition was disposed of by order dated 5.3.2008 (Annexure-8) directing the University authorities to dispose of the representation of the petitioner within a maximum period of 12 weeks by a reasoned and speaking order. By impugned decision dated 23.10.2008 contained in Annexure-9 the Controller of Examination of Bhupendra Narayan Mandal University (hereinafter referred to as "the University") has intimated the petitioner that petitioner cannot be issued even temporary or provisional certificate for having passed B.A. Honours (Geography) examination of the Sessions 1991-94, held in 1994 because the concerned college from where the petitioner completed his studies, namely Yogendra Vishwakarma College, Birpur, District-Supaul was not affiliated to the University. Even today the said college is not affiliated.

2. On behalf of petitioner it has been submitted that another student from the same college had moved this court for similar relief and his writ petition was

allowed by order dated 7.10.2005 (Annexure-6) after considering various judgments of this court as well as of the Supreme Court in the case of Shri Krishnan vs. The Kurukshetra University reported in AIR 1976 Supreme Court 376. Following the earlier judgment of this court contained in Annexure-6, this writ petition is allowed. Petitioner cannot be made to suffer for the lapses on the part of the University in registering him as a student of the University and allowing him to take examination. In that view of the matter the prayer made in the writ petition is allowed. The University authorities are directed to issue degree of B.A. Honours to the petitioner on the basis of his performance in the examination within four weeks from the date of production/ communication of a copy of this order.