

IN THE HIGH COURT OF JUDICATURE AT PATNA

CWJC No.9367 of 2010

1. POOJA KUMARI, D/O SURENDRA NARAIN SHARMA, R/O VILLAGE JAMALPUR, P.S. MASAUHRI, DISTRICT- PATNA.

Versus

1. THE MAGADH UNIVERSITY THROUGH ITS REGISTRAR, MAGADH UNIVERSITY, BODH GAYA.

2. VICE-CHANCELLOR, MAGADH UNIVERSITY, BODH GAYA.

3. CONTROLLER OF EXAMINATION, MAGADH UNIVERSITY, BODH GAYA.

4. THE OFFICER ON SPECIAL DUTY, TECHNICAL, MAGADH UNIVERSITY, BODH GAYA.

5. THE DIRECTOR, R.P.S. INSTITUTE OF TECHNOLOGY, BAILEY ROAD, PATNA.

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2. 31.5.2010. Heard learned counsel for the petitioner and the Magadh University, Bodh Gaya (hereinafter referred to as the "University").

2. Petitioner is the student of B.Sc. Engineering Course. She has filed this writ application praying, inter alia, to direct the authorities of the University to permit her to appear in the 3<sup>rd</sup> year B.Sc. Engineering Examination, 2006 batch which is tentatively scheduled to begin from 7<sup>th</sup> June, 2010 as according to her she is entitled for appearing in the said examination as her case is covered by sub-clause (ii) of Clause (12) of the Regulation made for Bachelor of Science (Engineering), Bachelor of Technology (Production Engineering) and Bachelor of Architecture Examination, 1977. It is submitted on behalf of the petitioner that her case is also covered by the orders of this Court dated 06.07.2009 passed in C.W.J.C.No. 3025 of 2009 and other analogous case (Annexure-2), whereunder case of the petitioners of those writ applications was allowed and they were directed to appear in the 3<sup>rd</sup> Year Examination although they had not cleared all the papers of 1<sup>st</sup> and 2<sup>nd</sup> year but their 3<sup>rd</sup> year result was directed not to be published until they clear all the papers of the earlier

two years.

3. The writ application is, accordingly, disposed of exactly in the same terms contained in order dated 06.07.2009 passed in C.W.J.C.No. 3025 of 2009 (Annexure-2) as till date the University has not challenged the said order dated 06.07.2009. by filing any appeal which fact is also confirmed by the counsel for the University Smt. Nootan Sahay.

(V.N.Sinha,J.)

**P.K.P.**

