

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14764 of 2026

CNR No. BRHC011006092026

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Khushboo Kumari @ Khusboo Kumari Daughter of Bhagwat Azad, Resident
of Village- Borabari, P.S.- Katihar, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The Aryabhatta Knowledge University through its Vice Chancellor, Patna.
4. The Registrar, Aryabhatta Knowledge University, Patna, Distt. Patna.
5. The Examination Controller, Aryabhatta Knowledge University, Patna.
6. The Principal, Government TIBBI College and Hospital, Kadamkuan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Shubhangi Pandey, Advocate
For the Respondent/s	:	Mr. Government Advocate (16)
For the University	:	Dr. Anand Kumar, Advocate
		Ms. Vijeta Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 01-10-2026

Heard Ms. Shubhangi Pandey, learned Advocate for
the petitioner, and Dr. Anand Kumar, learned Advocate
appearing for Aryabhatta Knowledge University (for short, ‘the
University’).

2. The petitioner, a student of B.U.M.S. course
pursuing her studies at Government TIBBI College and
Hospital, Kadamkuan, Patna, has approached this Court seeking
a direction upon the respondent-University and the College to



permit her to appear in the 3rd Year Main Professional Examination for the session 2021-2026, prior to holding of the 2nd Supplementary Examination of the 2nd Professional Examination and publication of the result thereof.

3. The petitioner has also sought an ad-interim ex parte direction upon the respondent-University, particularly the Vice-Chancellor and the Controller of Examinations, to immediately open the online examination portal, accept her examination form and requisite fees, and issue a provisional admit card, thereby permitting her to appear in the ongoing 3rd Professional Bachelor of Unani Medicine and Surgery (B.U.M.S.)/BMS Main Examination, which is scheduled to commence from 03.10.2026.

4. Learned Advocate for the petitioner, referring to the facts stated in the writ petition, submitted that the 2nd Year 1st Supplementary Examination of the B.U.M.S. Examination, 2025, was conducted by the respondent-University w.e.f. 12.05.2026 and the result thereof was published on 20.08.2026, i.e., only about one and a half months prior to the commencement of the 3rd Year Main Professional Examination.

5. Referring to the applicable Regulations, it is further submitted that a student required to appear in a supplementary



examination is entitled to have such examination conducted within the prescribed academic and examination cycle.

6. It is submitted that, notwithstanding the aforesaid position, the 2nd Supplementary Examination of the 2nd Professional B.U.M.S. Examination, 2024 (S), has neither been conducted nor scheduled till date. According to the petitioner, the delay in holding the said supplementary examination has resulted in serious and immediate academic consequences for her.

7. Learned Advocate for the petitioner, referring to Clause 11(b)(i) and (ii) of the applicable Regulations of the National Commission for Indian System of Medicine (NCISM), as contained in the Gazette Notification dated 16.02.2022, submitted that the said provisions specifically prescribe the manner in which a student is to be dealt with in the 2nd Professional Examination.

8. Clause 11(b)(i) provides that the 2nd Professional Examination shall ordinarily be held and completed by the end of the 2nd Professional session, whereas Clause 11(b)(ii) specifically provides that a student who has failed in one or two subjects of the 2nd Professional Examination shall be allowed to keep the term of the 3rd (Final) Professional session.



9. It is submitted that the petitioner had failed in only two subjects in her 1st Supplementary Examination and was required to clear the same in the subsequent examination. However, the 2nd Supplementary Examination has neither been conducted nor scheduled, and no date has been fixed for holding the same. In the meantime, the 3rd Professional Main Examination has been scheduled to commence from 03.10.2026. It is, therefore, submitted that if the petitioner is not permitted to appear in the 3rd Professional Main Examination, she would suffer serious academic prejudice, apart from the likelihood of loss of an academic year, adversely affecting her professional progression and future career prospects.

10. Learned Advocate for the petitioner has also placed reliance upon a Bench decision of this Court in **Ravi Ranjan & Ors. v. The State of Bihar & Ors.**, passed in **C.W.J.C. No. 13193 of 2026**, wherein, while considering the aforesaid Clause 11(b)(i) and (ii) of the Notification dated 16.02.2022, this Court had directed the respondent-University and the concerned Colleges to permit the students who had failed in one or two subjects of the 2nd Professional Examination to participate in the next Professional Examination.

11. *Per contra*, Dr. Anand Kumar, learned Advocate



appearing for the University, referring to Clause 10(c)(ii) of the Notification issued by the National Commission for Indian System of Medicine, submitted that, before appearing in the 3rd (Final) Professional Examination, a candidate is required to have passed all the subjects of the 1st and 2nd Professional Examinations and to have qualified in nine electives.

12. It is submitted that, in the present case, the petitioner has not cleared all the subjects of the 1st and 2nd Professional Examinations and, therefore, according to the University, she is not entitled to appear in the 3rd Professional Main Examination.

13. This Court has considered the submissions advanced by the learned Advocates appearing for the respective parties and has perused the materials available on record.

14. The Notification dated 16.02.2022, particularly Clause 11(b)(ii), specifically stipulates that a student who has failed in one or two subjects of the 2nd Professional Examination shall be allowed to keep the term of the 3rd (Final) Professional session.

15. Despite the aforesaid stipulation, the petitioner has not been permitted to appear in the 3rd Professional Examination. An identical issue came up for consideration before this Court in



C.W.J.C. No. 13193 of 2026, wherein this Court, taking note of the non-holding of the 2nd Supplementary Examination within the prescribed time, was pleased to permit the concerned students to participate in the next Professional Examination.

16. Having regard to the aforesaid facts and circumstances, the provisions contained in Clause 11(b)(i) and (ii) of the Notification dated 16.02.2022, and the order passed by this Court in C.W.J.C. No. 13193 of 2026, this Court finds substance in the writ petition.

17. Accordingly, the respondent-University and the Principal, Government TIBBI College and Hospital, Kadamkuan, Patna, are directed to permit the petitioner to appear in the 3rd Year Main Professional Examination of B.U.M.S. for the session 2021-2026, scheduled to commence from 03.10.2026, subject to completion of all requisite formalities.

18. It is made clear that the present order shall not come in the way of the respondent-University and the College in conducting the 2nd Supplementary Examination for the unsuccessful students of the 2nd Professional Examination within a reasonable period of time, in accordance with the applicable Regulations.



19. The concerned respondent(s) shall be at liberty to act upon the downloaded/printed copy of this order, which shall be made available on the official website of this Court, subject to verification of its authenticity.

20. The writ petition stands disposed off.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01-10-2026
Transmission Date	

