

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2419 of 2026

In
Civil Writ Jurisdiction Case No.13193 of 2026

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Baby Kumari D/o Madan Mohan Giri, Resident of - Basauri Masaurhi
(Tarachak), P.S. Khagual, District- Patna.

... .. 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 Ayurvedic College and Hospital, Kadamkuan, Patna.
7. The Principal, Government Ayodhya Shiv Kumari Ayurveda College and Hospital, Suhirdnagar, Begusarai.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Adv. Ms. Shubhangi Pandey, Adv. Mr. Anand Vardhan, Adv.
For the Respondent/s	:	Mr. Raj Kishore Roy, GP 18
For the AKU	:	Mr. P.K. Verma, Sr. Adv. Dr. Anand Kumar, Adv. Ms. Vijeta Kumari, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 28-08-2026

This modification application is listed under the heading “For Orders (On Office Notes). However, considering the urgency of the matter the same is being heard and disposed of on the undertaking of the learned Advocate for the petitioner that she will ensure removal of defects, within course of the day.

2. It is submitted that by filing the writ petition



bearing CWJC No. 13193 of 2026, the petitioner along with others had sought a direction to stay the Notification bearing no. 4082 dated 15.07.2026 issued under the signature of the Controller of Examination, Aryabhatta Knowledge University, Patna and further to direct the respondent University to conduct the 2nd Supplementary Examination of 2nd year course and grant interim stay in Professional Examination for the B.A.M.S. 3rd Year for the Sessions 2011-2026 at earliest, in terms with Regulation No. 11(b)(ii) in National Commission for Indian System of Medicine that two supplementary examinations must be held between Mains professional examination and after the declaration of result of 2nd Supplementary Examination of second year, permit the petitioner to appear in the 3rd Year Mains Professional Examination.

3. This Court after having considered the relevant prescriptions of National Commission for Indian System of Medicine Act, 2020 and the Notification dated 16.02.2022, especially Clause 11 (b)(ii), directed the Examination of Controller, Aryabhatta Knowledge University as well as the Principal of both the colleges, who have been arrayed as respondent nos. 5, 6 & 7 to the writ petition to allow the petitioner along with all other identically situated students, who



failed in one or two subjects of 2nd Professional Examination to appear in the ongoing 3rd Professional Examination.

4. While disposing the writ petition, the Court further directed that the petitioner as well as the other identically situated students, who could not appear in the examination of Kaya Chikitsa Paper 1 scheduled on 25th of August 2026, such examination shall be conducted afresh after end of the 3rd Professional Examination, by holding a special examination. Besides, further direction to conduct the 2nd Supplementary Examination for the unsuccessful students of the 2nd Professional Examination, within a reasonable period of time.

5. Referring to the direction, above referred, it is urged by the learned Advocate that the petitioner no. 3 along with other identically situated persons, who are said to have not qualified in four papers, were not allowed to appear in the ongoing examination. Hence the necessity of present modification application.

6. Ms. Shubhangi Pandey, learned Advocate for the petitioner referring to the Notification dated 16.02.2022, especially Clause 11(b)(iii) submitted that this prescription would not be applicable to the case of the petitioner no. 3 and other identically situated students in view of the fact that 2nd



Supplementary Examination could not be held till date; due to which the petitioner along with other identically situated persons have lost the opportunity to clear those papers. The facts and circumstances of not clearing the examination in four subjects cannot be attributed to the petitioner and other students, identically situated. Had the 2nd Supplementary Examination duly conducted within the reasonable period of time, the petitioner along with other identically situated persons would have certainly cleared the same and thereafter, they must have been allowed to appear in the 3rd Year Final Professional Examination. Since, the 2nd Supplementary Examination was not conducted by the University and the College before proceeding for the 3rd Year Final Professional Examination, they cannot be put to suffer and compelled to lose an academic year.

7. Learned Advocate for the respondents have admitted the position to the extent that till date, 2nd Supplementary Examination could not be conducted. However, it is submitted that the University has its own rules, for conducting examination, which is being followed.

8. After considering the submission, this Court finds substance that for the fault of the University and the College in not conducting the 2nd Supplementary Examination within the



reasonable and scheduled time, the students cannot be put to suffer.

9. In view, thereof, this Court further modified the order dated 25.08.2026 and direct the University and the College concerned to allow the present petitioner along with other identically situated persons to participate in the 3rd Year Final Professional Examination, whose result shall be subject to clearance of their unsuccessful papers in 2nd Supplementary Examination.

10. With the aforesaid direction, the order dated 25.08.2026 stands modified.

11. Learned Advocate for the University is further requested to communicate this order to the concerned respondents, forthwith.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.08.2026
Transmission Date	NA

