

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13193 of 2026

1. Ravi Ranjan S/o of Manoranjan Prasad Singh, Resident of-Ward no. 11 Saday Bigha, P.S.- Virupur, District - Lakhisarai.
2. Shruti Kumari, D/o- Dilip Kumar Singh, Resident of - Basauri Masaurhi, P.S- Dhanarua, District- Patna.
3. Baby Kumari, D/o Madan Mohan Giri, Resident of - 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.

... .. Respondent/s

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.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 25-08-2026

Heard the parties.

2. Considering the urgency of the matter, the same has been notified on a motion made by the learned Advocate on record, for the petitioners.



3. Learned Senior Advocate Mr. P.N. Shahi along with Ms. Shubhangi Pandey appears for the petitioners, whereas Dr. Anand Kumar is representing the Aryabhatta Knowledge University and Mr. Raj Kishore Roy, learned Government Pleader No. 18 for the State.

4. The petitioners are pursuing Bachelor of Ayurvedic Medicine and Surgery under the aegis of Aryabhatta Knowledge University. After having appeared in the second year (BAMS) examination, on being found unsuccessful in some of the subjects, the petitioners have taken recourse of first supplementary examination, duly conducted by the respondent University from 12.05.2026, the result of which was duly published on 20.08.2026. Despite their best effort, the petitioners before this Court, could not qualify and pass in one of the subject. In the meanwhile, the University and the college have come up with an examination schedule for 3rd year Mains Professional Examination, which is scheduled to be started with effect from 25th of August 2026, till, 21st of September 2026.

5. Mr. P.N. Shahi, learned Senior Advocate appearing for the petitioners referring to the National Commission for Indian System of Medicine Act, 2020, as also the Notification dated 16th of February 2022 of the said Commission, submitted



that there is a clear stipulation in Clause 11(b) (ii) of the said notification, that the students, who failed in one or two subjects of 2nd Professional Examination shall be allowed to keep the term of 3rd (final) Professional Sessions. Despite the aforesaid stipulations contemplated in the notification, the respondent authorities have not allowed the petitioners to participate in the 3rd Professional Examination. On account of the aforesaid reasons as also the delay in holding the second supplementary examination, which is also mandated by the Notification under Clause 11(b)(i), serious and irreversible prejudice has been caused to the petitioners, in addition the petitioners may suffer a loss of one academic year.

6. In the aforesaid premise, in the academic interest of the students, learned Senior Advocate urged that though the prayer has been made for stay of the operation of notification dated 15.07.2026, issued under the signature of Controller of Examination of the University, but the interest of the petitioners can also be protected, if they would be allowed to appear and join in the 3rd Professional Examination, which has commenced from today, i.e, 25th of August of 2026.

7. On the other hand, learned Advocate for the University and the State submitted that the facts are admitted



that the petitioners before this Court could not pass in certain subjects of the 2nd year Professional Course, due to which, they have been allowed to appear in the supplementary examination, but even in the supplementary examination they have not cleared all the subjects. In order to regularize the Sessions, now the 3rd Professional Examination has commenced today itself, therefore, the University is facing certain difficulties to consider the claim of the petitioners.

8. On a query made by this Court, a fair gesture has been shown on behalf of the learned Advocate for the University, who sought an instruction from the Examination Controller, Aryabhatta Knowledge University that if the Principal of both the colleges, namely Government Ayurvedic College, Patna and Rajkiya Ayodhya Shivkumari Ayurved College and Hospital, Begusarai are ready to hold and allow the petitioners to appear in the examination, he has no objection.

9. Having considered the submissions advanced by learned Senior Advocates/Advocates for the respective parties, as also on perusal of the National Commission for Indian System of Medicine Act, 2020 and the notification dated 16th of February 2022, especially Clause 11(b) (i) and (ii), this Court is of the opinion that in any view of the matter the petitioners are



required to be allowed to keep the term of 3rd (final) Professional Sessions, especially in view of the fact that because of the delay on the part of the college concerned, the second Supplementary Examination of the students of the 2nd professional year could not be conducted in time or especially before notifying the date of 3rd Professional Examination.

10. In such circumstances, this Court direct 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 petitioners 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.

11. It is made clear that the petitioners 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.

12. The Examination of Controller, Aryabhatta Knowledge University shall communicate this order to the



Principal of both the colleges noted hereinabove, who shall do the needful in the interest of the students in terms with the above referred Clause of the notification.

13. A copy of this order be also handed over to the learned Advocate for the State as well as University for compliance of the direction of this Court.

14. It is made clear that this order will not come in the way of the college and the University to conduct the 2nd Supplementary Examination for the unsuccessful students of the 2nd Professional Examination, within a reasonable period of time.

15. The writ petition stands allowed with the aforesaid direction.

(Harish Kumar, J)

sumit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.08.2026.
Transmission Date	NA

