
(2002) 10 DEL CK 0012

In the Delhi High Court

Case No : CW No. 7362 of 2001 and CM 12637 of 2001

Ashis Chandra Mohanty

APPELLANT

Vs

University of Delhi and Others

RESPONDENT

Date of Decision : 03-10-2002

Acts Referred:

Citation : (2003) 66 DRJ 316

Hon'ble Judges : Manmohan Sarin, J

Bench : Single Bench

Advocate : T.V. George, for the Appellant; S.K. Luthra, for the Respondent

Judgement

Manmohan Sarin, J.—Rule.

With the consent of the parties, writ petition is taken up for disposal.

2. Petitioner has filed this writ petition, seeking quashing of notices dated 12.9.2001 (Annexure P-8), 10.11.2001 (Annexure P-10) and 27.11.2001 (Annexure P-12). Petitioner is aggrieved by the decision of the respondents asking him to vacate the accommodation at the International Students House. The relevant facts may be briefly noted:-

Petitioner had joined the LL.B course in the year 1996 and completed the same in the year 1999. thereafter, petitioner enrolled himself in LL.M degree course for the academic years 1999-2001. Petitioner was required to submit his dissertation by 30.8.2001. He got the time extended for this and submitted the same on 30.10.2001. Petitioner's grievance is that though he got himself admitted to Ph.D Course on 18.3.2002, he has been asked to vacate. Petitioner, Therefore, wants this to be treated as continuation of higher studies after LL.M and be permitted to continue in the hostel till he completes his Ph.D in law.

3. Learned counsel for the petitioner has relied on certain instances where candidates have been permitted to continue to reside in the hostel upon vertical admissions that is to next higher course. In this context, petitioner himself has

enjoyed the benefit of staying in the hostel upon vertical admission after completing his LL.B. and joining LL.M. Counsel for the petitioner has relied on cases of students, who upon completion of M.Sc in Geology and M.Sc in Statistics, were admitted to M.Phil Geology and M.Phil Statistics in September, 2000, and August, 2000 respectively. In the instant case, the situation is distinguishable. Petitioner only got admitted to Ph.D in the next academic year on 16.3.2001. Petitioner seeks to explain this delay by stating that his dissertation could be considered in the next meeting of the Board of Research Studies, which was held in March, 2002.

4. Learned counsel for the petitioner Therefore submits that the petitioner, who has a good academic record and after his LL.M., has been admitted for Ph.D. in law, should be permitted to continue to reside in the hostel. The fact that it was only in March 2002, that he got admission to Ph.D., should not come in the way of his being allowed to continue to reside in the hostel.

5. Mr. S.K. Luthra, counsel for the respondent/University submits that residence in the hostel is intended for duration of a course. In this case, the petitioner completed his LL.M. Course and thereupon ceased to be a regular student. Hence he was not entitled to continue to reside in the hostel. Petitioner had to submit his dissertation for LL.M. and sought extension for stay in the hostel to complete the LL.M. He was granted extension up to 30.8.2001. Thereafter notice was duly served calling upon the petitioner to vacate the room latest by 20.9.2001.

6. Petitioner sought extension of stay on the ground that he would be seeking admission to the Ph.D. Course in February, 2002. Petitioner submitted his dissertation on 31.10.2001 for the LL.M. Course. He was Therefore again asked to vacate not later than 24.11.2001. In the event, the petitioner, filed the present writ petition in December 2001, for quashing of the notices given to him to vacate the room. Petitioner also sought a writ of mandamus commanding the respondents to allow him to stay in the hostel till the next Board of Research Study Meeting, where the petitioner may submit his application for admission to Ph.D. Notice in the writ petition was issued on 5.12.2001 and interim order directing that petitioner be not evicted was passed vide orders dated 26.4.2002, it was directed that the petitioner should at least apply to the respondents for allotment of a room, so that his application for allotment may be considered.

7. The short question requiring consideration is whether the petitioner is entitled to continue to reside in the hostel on the basis of what he claims as vertical admission to Ph.D. in March 2002. In my view, since the LL.M. Course duration expired before August 2001 and the petitioner had been only given extensions to reside so as to complete his dissertation, it would not fall within the category of vertical admission. The petitioner was granted admission not upon completion of the duration of the LL.M. Course to the next course. Rather he got admitted to the Ph.D. Course only in the next academic year in March, 2002. In this view, there is merit in the contention of Mr. S.K. Luthra that after a gap from August 2001 to March 2002, it cannot be regarded as a case of vertical admissions. The

cases on which the petitioner placed reliance are clearly distinguishable as the admission to the next course was immediately following the session and within the same academic year. Accordingly, I hold that the petitioner does not have any enforceable right to continue to reside in the hostel. If on merits the petitioner gets fresh admission to the hostel in the Ph.D.Course, the dismissal of the present writ petition would not come in his way.

8. Learned counsel for the petitioner, Mr. T.V. George, had attempted to assail the non grant of vertical admission as a malafide exercise of power. Counsel submitted that the petitioner happen to be the Chairman of the Mess Committee and as a result of mismanagement and bungling, petitioner and other residents had gone on hunger strike for a period of 5 days demanding that the entire accounts be gone into. He submits that it is on account of this that the petitioner has been denied vertical admission and not permitted to continue his residence despite his admission to Ph. D. Course. I am not impressed with this plea. The incident and strike took place in September 2000. Had the respondents been inimically disposed towards the petitioner, they would not have given him extension of time so as to continue in the hostel for submission of his dissertation, especially when the LL.M. session was over. It may also be noted that the petitioner filed the present writ petition only in December 2001, at a stage when he was neither eligible nor entitled to admission to the Ph.D.in law.

9. In view of the foregoing discussion, the writ petition has no merit and is, accordingly, dismissed.

At this stage, learned counsel for the petitioner makes a prayer that respondents are demanding from the petitioner hostel charges at enhanced rates and penal rates. He submits that petitioner was staying in the hostel by virtue of stay granted by this Court. Petitioner is granted time up to 30.10.2002 to vacate the hostel. Petitioner be charged at the normal license rates applicable.