

(2013) 10 DEL CK 0298
In the Delhi High Court
Case No : WP. (C) No. 6614 of 2013

Bharat Kumar Bhartee

APPELLANT

Vs

The Vice-Chancellor and Others

RESPONDENT

Date of Decision : 28-10-2013

Acts Referred:

Citation : (2013) 10 DEL CK 0298

Hon'ble Judges : V.K. Jain, J

Bench : Single Bench

Advocate : Jaya Goyal, Ms. Manpreet Kaur and Ms. Ashima Puri, for the Appellant; Amitesh Kumar, for R-3, for the Respondent

Final Decision : Dismissed

Judgement

V.K. Jain, J.—The petitioner before this Court took admission in the M-Phil Course of the Jamia Millia Islamia University in the academic year 2011-2012. Vide letter dated 9.6.2011 issued by the University Grants Commission, the petitioner was sanctioned Rajiv Gandhi National Fellowship for SC candidates to pursue M. Phil/ Ph.D. courses in terms of UGC guidelines on the subject. The petitioner, however, failed in Arabic in the first year of M. Phil Course. However, he was promoted to second year of the aforesaid Course, despite the fact that he had obtained 20 out of 100 marks in Arabic. This obviously was in terms of the Rules of the University which permitted the students to clear the paper in which he fails in the first attempt, in the next year of the Course. The petitioner, therefore, appeared in Arabic, in the next academic year and he cleared the said paper obtaining 50 out of 100 marks.

When the petitioner submitted the bill for payment of UGC fellowship to the University it was rejected vide letter dated 18.8.2011 on the basis of the decision taken by the Dean of the University in a meeting held on 2.8.2011. The aforesaid decision reads as under:

4. Payment of Rajiv Gandhi National Scholarship for SC candidates who pursue

M.Phil/Ph.D. Programme in cases where students fail.

This matter was earlier discussed in Deans meeting held on 14.03.2011. It was decided to stop the Fellowship to those who fail in the examination or their performance is not satisfactory. The Finance and Accounts office has sought certain clarifications. It was decided that same decision will be implemented in other schemes also and the scholarship will be discontinued from the prospective dates after being declared failed/receiving unsatisfactory report, as the case may be.

The petitioner represented to the University for release of the fellowship. However, vide communication dated 20.10.2011, the representation of the petitioner was rejected. The petitioner preferred an appeal to the Vice Chancellor of the University. The said appeal was rejected vide communication dated 13.12.2011 referring to the UGC guidelines which provide for withdrawal of the fellowship if the work of the candidate is not considered satisfactory or if he fails in any of the examinations related to M.Phil/Ph.D. Being aggrieved from the aforesaid rejection the petitioner is before this Court, seeking the following reliefs:

a. Issue a writ of mandamus directing the respondents for release the grant claim to the petitioner for the period of 2010-2011 of Rajiv Gandhi National Fellowship for SC candidate to pursue M.Phil/Ph.D. degree;

2. A perusal of the annexure to the communication dated 13.12.2011 sent by the University to the petitioner would show that the fellowship was liable to cancellation in the following cases:

10. Cancellation of Award

The fellowship is liable to cancellation, in case of:

? Misconduct.

? Unsatisfactory progress of research work/failure in any examination related to M.Phil/Ph.D.; or

? He/she is found ineligible later.

The petitioner failed in Arabic paper in the examination held in the year 2011-2012. On account of having failed to clear the aforesaid paper, the fellowship was liable to be cancelled and the University has no discretion in the matter since the guidelines framed by UGC are binding upon the University.

The learned counsel for the petitioner submits that since the petitioner was promoted to the second year of the Course and he cleared the paper in Arabic in the next academic year, his performance cannot be said to be unsatisfactory nor can it be said that he had failed in the examination. I, however, find no merit in the contention of the learned counsel for the petitioner. The petitioner was promoted to the next year of the Course on account of the Rules of the

University which permit a candidate to re-appear, in the paper which he fails to clear, in the next academic year, but that does not mean that he will not be deemed to have failed in such a paper, in the year in which he appeared for the first time. It is quite obvious that the intention of the UGC to grant benefit of the fellowship was only to those students who make satisfactory progress in the research work and are able to clear all the examinations related to M.Phil/Ph.D. Courses. Since the petitioner failed in one of the subjects, i.e., Arabic, in M.Phil examination held in the academic year 2011-2012, the fellowship has rightly been cancelled.

The writ petition is devoid of any merits and is accordingly dismissed.