
(2015) 04 JH CK 0129
In the Jharkhand High Court
Case No : WP(C) No. 5160 of 2013

Chandra Nath Mishra

APPELLANT

Vs

Ranchi University and Others

RESPONDENT

Date of Decision : 27-04-2015

Acts Referred:

Citation : (2015) 2 JLJR 547

Hon'ble Judges : S. Chandrashekhar, J

Bench : Single Bench

Advocate : Saibal Kumar Laik, for the Appellant; Amit Kumar Sinha, Advocates for the Respondent

Final Decision : Dismissed

Judgement

S. Chandrashekhar, J—Aggrieved by order dated 4.6.2013 whereby, the request of the petitioner to enroll himself in Ph.D. in Sociology has been declined, the petitioner has approached this Court by filing the present writ petition. The petitioner is a Master's Degree holder from Indira Gandhi National Open University (IGNOU) with 52% marks in P.G. (Sociology) and 59% marks in Post Graduate Diploma in Rural Development (PGDRD). The petitioner appeared in the entrance examination held in the month of July, 2011 for Ph.D. Registration (Sociology) in the Ranchi University. On 11.10.2011, the result was published and the petitioner was declared successful. Thereafter, the petitioner made application for registration in Ph.D. in the Ranchi University. The petitioner's application was entertained and he was called for pre-registration Seminar. The request of the petitioner was examined by a Committee of 8 members who recommended the name of the petitioner. The Guide of the petitioner also gave his consent however, on the plea that in Post Graduate examination, a candidate must secure 55% marks, the request of the petitioner for registration in Ph.D. in Sociology has been declined by the Vice-Chancellor, Ranchi University on 25.5.2011. Relying on a decision in " Punam Kumari Vs. Lalit Narain Mithila University and Others , the learned counsel for the petitioner submits that once

the petitioner was permitted to appear in the examination and a favourable recommendation was made, the respondent-Vice-Chancellor could not have declined the request of the petitioner for registration in Ph.D. course. It is submitted that the higher studies in a University is regulated by the norms fixed by the University Grants Commission which has fixed the minimum educational eligibility criteria as high IInd Class. The requirement as reflected in letter dated 4.6.2013 as to 55% marks in Post Graduate examination is not prescribed by the University Grants Commission still, the request of the petitioner for registration in Ph.D. in Sociology has been declined, erroneously.

2. Mr. Amit Kumar Sinha, the learned counsel for the respondent-Ranchi University supports the order contained in letter dated 4.6.2013 and submits that, since the petitioner has secured 52% marks only in P.G. (Sociology), his request for registration in Ph.D. has rightly been declined.

3. The contention that the University is bound by the norms fixed by the University Grants Commission is not in dispute however, there cannot be any doubt that the University can fix norms higher than the norms fixed by the University Grants Commission. Moreover, it appears that the University Grants Commission has fixed high IInd Division as the educational qualification and the Ranchi University has fixed the minimum educational qualifying marks at 55% which cannot be said to be unreasonably high. The petitioner was permitted to appear in the examination and his candidature was processed by the Ranchi University however, the same cannot confer a legal right to seek mandamus upon the respondents for registering the petitioner in Ph.D. course in Sociology. I find no merit and accordingly, the writ petition is dismissed.