

(1996) 07 KAR CK 0059
In the Karnataka High Court
Case No : Writ Petition No. 14257 of 1996

Dr. Ravichandra Hebballi

APPELLANT

Vs

Karnatak University, Dharwad and Another

RESPONDENT

Date of Decision : 24-07-1996

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1997) 1 KarLJ 210

Hon'ble Judges : G. C. Bharuka, J

Judgement

1. The petitioner has approached this Court for issuance of a writ of mandamus commanding the first and second respondents to receive the application form along with the prescribed fee of Rs. 1,000/- with 4 dissertation copies of the petitioner for M.D.S. Examination which has to commence sometime in August 1996.

2. The petitioner had taken admission to the Post-graduate Course (M.D.S.) in the field of "Oral and Maxillofacial Surgery" in the 2nd respondent-College. The said course had commenced in August 1993 as is evidenced by the certificate of 2nd respondent placed at Annexure-C. It is the case of the petitioner that on completion of his dissertation he approached Dr. C. Bhaskar Rao, Professor and Head, Department of Oral and Maxillofacial Surgery and Principal of the 2nd respondent-College for its certification as an original research work of quality and standard befitting M.D.S. Course. But, according to the grievance raised by the petitioner, Dr. Rao has refused to certify the work, as desired, for no good reasons. Petitioner assails the said act as arbitrary and craves this Court's interference in the matter. At the request of Sri Mohan Rangam an impressively bound copy of said dissertation has been taken on record.

3. Dr. C. Bhaskar Rao has filed his statement of objections duly sworn by himself. He has come on record with an affidavited statement testifying that the topic given to the petitioner for his study and preparation of dissertation was "Psycho-social implications of morbidity associated with radical neck dissection in the

Indian context" and not the one on which the purported dissertation has been prepared and presented before this Court. It has further been stated that the petitioner was required to complete the said dissertation under the supervision and guidance of Professor Paul C. Salins, Head, Maxillofacial and Reconstructive Surgery. Dr. Rao has further stated that no dissertation as entrusted to the petitioner was completed by him under the direction and guidance of Dr. Paul C. Salins. To substantiate the said fact, the 2nd respondent has placed on record the letter of Dr. Salins, wherein it has been stated that:-

"Dr. Ravichandra Hebballi is a student of mine who on joining the course was given the Graduate Training Program Manual where every aspect of his work during the course is outlined clearly. He was given every opportunity and encouragement to fulfil these requirements. It is indeed true that I have personally counselled him with regard to not only the academic aspects of the practice of medicine, but also the human and spiritual aspect of our sacred responsibility.

Dr. Ravichandra Hebballi is capable but in my opinion misdirected. Dr. Ravichandra Hebballi gave me no opportunity to supervise, scrutinise or correct the dissertation. Hence I am unable to certify the document and since the cases included were not shown to me, I am unable to verify the accuracy of the work.

I am sad at the false statement that I certified that the petitioner completed the course of two years and was satisfied with his performance. The letter dated 11-9-1995 by me was an experience certificate and not a certificate of course completed given by me stating that he has completed two years, given at his request.

It is false to state that the said letter supports the continuous unblemished record of work put by the petitioner.

As a surgeon and a teacher I am sad that a student of mine, who has witnessed our work, and is so intimately aware of our feelings with regard to education and responsibility to patients should prove so disappointing with regard to his perception of truth particularly when he is expected to practice surgery".

4. In the petition presented before this Court, the petitioner has nowhere stated as to under whose guidance and supervision, he had completed his study and dissertation work relating to the subject mentioned by him. The issue raised by the petitioner is one of fact and since a serious dispute has been raised by the Principal and Head of Department of the subject regarding completion of the dissertation work under the guidance and supervision of the University teacher, it is difficult on the part of this Court to pronounce upon the correctness of the said fact either one way or the other. None-the-less if either of the two conflicting version have to be accepted, in my opinion, in the absence of a specific allegation of any mala fide, the version given by the Principal and Head of Department concerned, commands more weightage and confidence.

5. The regulations pertaining to the M.D.S. Course in question has been placed at Annexure-A. Regulation IV provides for the scheme of examination. Clause (vi) of the said regulation, which is material for the present case, reads as under:

"Every candidate appearing for the M.D.S. Degree Examination for the first time shall submit with his application for the admission to the examination, four typewritten copies of dissertation of a research problem undertaken by the candidate and prepared under the direction and guidance and to the satisfaction of his University teacher. The dissertation should be submitted 3 months prior to the M.D.S. Examination. The dissertation shall be referred to examiners for the M.D.S. Examination and acceptance of it by the examiners shall be a condition precedent to the admission of the candidate to the written part of the examination".

From the above regulation, it is clear that the submission of dissertation and its acceptance by the examiners is a condition precedent to the admission of the candidate to the written part of the examination. Therefore, it is fallacious to say, as has been sought to be suggested by the petitioner, that submission of dissertation is not mandatory for appearance at the written examination. It is further clear from the said regulation that the said dissertation is to be a research problem undertaken by the candidate and prepared under the direction and guidance and to the satisfaction of his University teacher.

6. In the present case, it is not in dispute that Dr. Salins was the University teacher of the petitioner under whose direction and guidance and to whose satisfaction the petitioner was required to prepare the dissertation on the subject entrusted to him. But, according to the second respondent, the petitioner had not prepared the said dissertation as per the statutory requirement. The question whether the research work and preparation of dissertation was done under the direction and guidance of his University Professor or that it was to his satisfaction are not the matters which can be judicially reviewed and any finding on such issues can be recorded in the writ jurisdiction. The said satisfaction sought to be arrived at by the University teacher under the aforesaid regulation is more subjective in nature and it is for the student to take reasonable care to ensure that his work stands to the satisfaction of his guiding teacher. Such academic matters cannot be subjected to litigation in any Court of law. In my opinion, the petitioner has wholly misdirected himself in knocking the doors of this Court under Article 226 of the Constitution to force his guiding teacher to endorse his satisfaction on the alleged research work done by the petitioner and command the said guide to evidence his satisfaction by endorsing his signature on the dissertation as a proof of his said satisfaction.

7. For the said reasons, I find myself unable to accede to the prayer made in this writ petition. It is accordingly dismissed being wholly misconceived and devoid of any merit.