
(2019) 11 UK CK 0114

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 3258 Of 2018

Gireesh Chandra

APPELLANT

Vs

Vice Chancellor, Kumaon University, Nainital And Others

RESPONDENT

Date of Decision : 15-11-2019

Acts Referred:

Uttar Pradesh State University Act, 1973 — Section 68

Citation : (2019) 11 UK CK 0114

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : Charanjeet Kaur, B.D. Upadhyaya, Mamta Bisht, Vikas Pandey

Final Decision : Dismissed

Judgement

Sudhanshu Dhulia, J

1. This writ petition was dismissed for non-prosecution vide order dated 23.10.2019.
2. Now a restoration application has been filed by the petitioner for recalling the order dated 23.10.2019.
3. The grounds shown in the restoration application (MCC No. 1102 of 2019) seem to be just and bona fide. Consequently, restoration application is allowed. Order dated 23.10.2019 is recalled. Writ petition is restored to its original number.
4. The petitioner before this Court was enrolled as a Research Scholar in Aryabhatta Research Institute of Observational Sciences, Nainital. He was undergoing Ph.D. on the topic "Photometric Analysis of Open Star Clusters and Variability of Stars" under the supervision and guidance of Professor H.C. Chandola, who was the Professor in Department of Physics, Kumaon University, Nainital. The petitioner was also admittedly getting the scholarship from the University Grants Commission. He then resigned as a research scholar assigning

personal reasons. The resignation letter of the petitioner is on record, which was admittedly accepted on 06.05.2015 by the Vice Chancellor on recommendation of a Committee. Thereafter the petitioner made a request to the University Authority to grant NOC so that he can pursue his research elsewhere. This NOC was admittedly granted to the petitioner. Later the petitioner made another request to the University Authority that his research paper may be examined. This request of the petitioner was rejected, which was communicated to the petitioner by the Registrar of the University vide letter dated 05.04.2017 that his matter has been considered by the Research Degree Committee (RDC) and since the petitioner has ceased to be a research scholar of the University, his thesis cannot be considered by the University.

5. The petitioner then approached the Chancellor under Section 68 of the U.P. State Universities Act, 1973 and the Chancellor directed the University to re-examine the thesis of the petitioner by two outsider experts. Consequently, the thesis of the petitioner was re-examined, which did not find favour of the experts and the thesis of the petitioner has been rejected.

6. Now the petitioner has made a prayer that his thesis be re-evaluated.

7. This prayer of the petitioner is admittedly misconceived. The petitioner is persistently pursuing the same remedy although the decision has earlier been reached against the petitioner. This is only an abuse of the process.

8. The petitioner also requested that pre-submission certificate and Fee Deposit Receipt be given to him.

9. Considering the petitioner had willingly resigned from the University, if the certificate is not being given to him, no fault can be fastened upon the University Authority, as the petitioner is not a student of the University.

10. The writ petition is entirely misconceived. Consequently, writ petition fails and is hereby dismissed.