

(2012) 10 AHC CK 0185

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 54093 of 2012

Hukum Chand

APPELLANT

Vs

Dr. Bhim Rao Ambedker University and Others

RESPONDENT

Date of Decision : 15-10-2012

Acts Referred:

Citation : (2013) 2 ADJ 379 : (2013) 3 AWC 3234

Hon'ble Judges : A.P. Sahi, J

Bench : Single Bench

Advocate : Rajnish Kumar Srivastava, for the Appellant; Sanjay Kumar Singh, for the Respondent

Final Decision : Allowed

Judgement

A.P. Sahi, J.—Heard Sri R.K. Srivastava, learned counsel for the petitioner and Sri S.K. Singh for the respondent-University. The dates and facts relating to the submission of Thesis of the petitioner do not appear to be disputed and, as such, there is no necessity to grant time to the respondent-University to file a counter-affidavit in this regard.

2. This petition has been filed for quashing of the order dated 30.8.2012 (Annexure-1 to the writ petition) passed by the respondent No. 2 intimating the petitioner that since the extended period, during which the petitioner was required to submit his Thesis, has expired and, therefore, he is not entitled now to seek any extension or submit his Ph.D. Thesis for examination.

3. The background of the case is that the petitioner was registered as a Ph.D. Scholar in the University and the Research Degree Committee of the University in a meeting vide a resolution dated 22.3.2006 accepted the said request of the petitioner for pursuing his Ph.D. in the University.

4. The petitioner was required to submit his Thesis in terms of the Ph.D. Ordinances which are quoted hereunder:

9 (b) On permission being granted by the Research Degree Committee, the candidate may submit his thesis at any time after twenty four months from the date of his Application till the completion of Forty-eight months from the date of permission of the Research Degree Committee provided that extension may be granted by the Vice-Chancellor upto one year on the recommendation of the Supervisor. Provided further that after the expiry of the said period of forty-eight months or the extended period, the candidate may apply for re-registration alongwith a fee of Rs. 600/- within a period of six-months from the date on which the period of forty-eight months or the extended period expired. Thereupon, he shall be required to submit his thesis within a period of one year from the date of re-registration.

5. A perusal thereof indicates that the Thesis has to be submitted within four Calendar years from the date of the permission granted by the Research Degree Committee. However, there are exceptions to the same which provide for a further extension of one year to be granted by the Vice-Chancellor on the recommendation of the Supervisor. In the instant case, it is admitted that the petitioner did not submit his Thesis within 4 years nor did the Vice-Chancellor granted him any extension of one year after the expiry of 48 months.

6. The Ordinances, however, make room alongwith certain limitations through another proviso which indicate that after the expiry of 4 years or the extended period granted by the Vice-Chancellor, the candidate can apply for re-registration alongwith a fee of Rs. 600/- within a period of 6 months from the date on which the period of 48 months or the extended period had expired.

7. There upon the candidate will be entitled for full one year period from the date of re-registration for submission of his Thesis.

8. It is undisputed that the petitioner applied for re-registration within 6 months of the expiry of 4 years. He applied on 23.6.2010 and he has also deposited a sum of Rs. 600/-. This was within the period of 6 months which was due to expire in September 2010. Thus, it is clear that the petitioner had sought re-registration within the period so prescribed in the Ordinances.

9. The period of one year which is contemplated under the Ordinances would, therefore, expire on 22.6.2011.

10. While granting re-registration, the petitioner was given a communication on 12.7.2010, which is Annexure-4 to the writ petition, that he should submit his Thesis latest by 20.3.2011. It is this document, which is being taken shelter of by the University to deny the benefit of submission of Thesis by the petitioner.

11. Sri S.K. Singh for the University submits that once this intimation has been given and it has not been challenged then the time period granted up to 20.3.2011 having expired, the relief prayed for by the petitioner could not be considered by the University and, therefore, the rejection of his representation is fully justified.

12. Having heard learned counsel for the parties, it is undisputed that the petitioner was issued a letter dated 12.7.2010. The period for submission, which was mentioned, was also till 20.3.2011. The petitioner, however, before the expiry of one year from the date of re-registration, filed an application on 1.6.2011, which is Annexure-5 to the writ petition. This application has been referred to in the impugned order and from a perusal thereof, there is no doubt that this application was received by the University with the endorsement of the guide of the petitioner. A perusal thereof clearly demonstrates that the guide had recommended that the claim of the petitioner is genuine inasmuch as his Thesis, according to the said application, was complete as on 1.6.2011 which was prior to the expiry of one year as contemplated under the Ordinances. The petitioner, therefore, had staked his claim for more time as per the prescription as against the period being limited upto 20.3.2011.

13. The intimation dated 12.7.2010, therefore, cannot override or limit the period prescribed under the Ordinances and the time up to 20.3.2011, therefore, has to be read in the light of the Ordinances which period will stand extended up to 22.6.2011. This period is a Statutory requirement and, therefore, the University could not have curtailed the same. The petitioner, therefore, having fulfilled the said requirement, the impugned order dated 30.8.2012 cannot be sustained. The writ petition is allowed and the impugned order dated 30.8.2012 is quashed. Further, a direction is issued to the University to allow the petitioner to submit his Thesis within 3 weeks from today for being further processed in accordance with law.