
(2011) 12 UK CK 0004

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1529 of 2011

Km. Bhawana Bhatt

APPELLANT

Vs

Kumaon University and Another

RESPONDENT

Date of Decision : 13-12-2011

Acts Referred:

Citation : (2012) 3 UC 2301

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : Manoj Tiwari, assisted by Mr. Alok Mehra, for the Appellant; B.D. Upadhyay assisted by Ms. Jyoti Joshi, for the Respondent

Judgement

Sudhanshu Dhulia, J.—Heard Mr. Manoj Tiwari, Senior Advocate assisted by Mr. Alok Mehra, Advocate for the petitioner and Mr. B.D. Upadhyay, Senior Advocate assisted by Ms. Jyoti Joshi, Advocate for the respondents. The petitioner is a Research Scholar registered with Kumaon University (from hereinafter referred to as "University") and after a considerable period she has finally prepared her thesis which according to her was ready as far back as in November, 2010 and was to be given for Pre-submission Seminar, which is a process which has to be completed prior to the final examination. However, according to the petitioner due to the illness of Research Convener Dr. Lata Joshi, the Pre-submission Seminar could not be held and it was delayed. Subsequently, this Pre-submission Seminar was only held in February, 2011. In other words, this "formality" of a Pre-submission Seminar could only complete in February, 2011. Subsequently, thereafter the next step is submission of the thesis before the examiners for final approval. At this stage, since this was not being done, the petitioner approached the concerned authority for appointment or acceptance of the thesis. This proposal of the petitioner was rejected by the Committee and subsequently the information regarding this rejection was communicated to the petitioner by the Registrar of the University on 7.7.2011. Reasons assigned for rejecting the claim of the petitioner is that the extension of time for research cannot be given as per

the University Research Ordinance. Aggrieved the petitioner has filed the present writ petition before this Court.

2. Mr. B.D. Upadhyay, Senior Advocate representing the respondents has drawn the attention of this Court to the Ordinance framed by the University for the said purposes known as "Ordinances For Doctorate Degrees in the Faculties of Arts, Science, Education, Law and Commerce" (from hereinafter referred to as "Ordinance"). According to the respondents, one of the essential conditions in Ordinance is that a candidate can only be granted a maximum period of four years and further an extended period of one year for her research purposes (i.e. for Ph. D. Degree). No further extension can be granted and therefore a candidate can only be readmitted by way of re registration and this period of registration will continue for only one year, as visualized under the Rule. In other words, law provides for a total period of six year i.e. four years of normal period, thereafter one year of extension and thereafter further one year after readmission. This period of six years is to be calculated from the date of registration of the petitioner by the respondents. The date of registration of petitioner is 31.1.2005. In other words, thesis had to be completed by the student on or before 30.1.2011. Now the case of the petitioner is that she had completed all the formalities inasmuch as she had submitted her thesis for evaluation in Pre-Submission Seminar way back in November, 2010 but due to the illness of Research Convener, the matter could not proceed further. The petitioner has further annexed various documents to substantiate her argument. In other words, on her part whatever was required was completed within these six years. The delay if any has been caused due to no fault on her part. In any case, the case before this Court is that a research scholar has now completed her research which has now only to be evaluated by an expert body. This Court also finds that though in the Ordinance framed by the University, a particular period has been described for completing the research, yet under the facts and circumstances of the present case this Court is of the opinion that there was no fault on the part of the petitioner regarding the delay in completing her thesis, as the records which have been made available before this Court show that the petitioner has submitted her thesis for Pre-Submission Seminar way back in the year 2010 i.e. few months beyond the dead line. In any case, the interest of justice demands that this matter be seen in a broader context and a research work cannot be allowed to be wasted on mere technicalities. Even assuming that there is a delay, it is in any case not inordinate, and can very well be condoned.

3. Therefore in the interest of justice, since the research has already been completed, and since in any case the delay was not on part of the research student the University is hereby directed to complete further formalities and proceed in accordance with Para 12 to 15 of the Ordinance in order to finally evaluate the thesis of the petitioner. Needful be done, as expeditiously as possible.

4. With the aforesaid directions, the petition is disposed of. No order as to costs.