

(2011) 08 UK CK 0036

In the Uttarakhand High Court

Case No : Writ Petition No. 284 (M/S) of 2011

Kranti Kumar Singh and Others

APPELLANT

Vs

H.N.B. Garhwal University and Another

RESPONDENT

Date of Decision : 17-08-2011

Acts Referred:

Citation : (2011) 08 UK CK 0036

Hon'ble Judges : Tarun Agarwala, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Tarun Agarwala, J.—The Petitioners applied for doing a Ph.D. in Physics under the guidance of Dr. Manoj Yadav. The requisite fee and synopsis was submitted in the year 2009. The University issued call letters asking the Petitioners to appear before the Research Degree Committee on 25th July, 2009. It is alleged that the applications of other candidates were considered on that date, but the application of the Petitioners was not considered for reasons best known to them. The Petitioners were, however, informed that their application would be considered on a subsequent date, which will be intimated to the Petitioners. When nothing was intimated and their plea for consideration of their synopsis fell on deaf ears, the Petitioners approached the writ court by filing the present writ petition praying that the University should be directed to convene a meeting of the Research Degree 3. 3. Committee for consideration of their synopsis in their Ph.D. programme.

2. The Respondents have filed a counter affidavit indicating that as per the Ordinance (Annexure-CA-1 to the counter affidavit), a supervisor, who is a Professor, can supervise 8 candidates at a time, a Reader can supervise 6 candidates and a Lecturer can supervise 4 candidates. In paragraph 12 of the counter affidavit, the Respondents urged that the synopsis of the Petitioners was not considered because the Petitioners had applied under Dr. Manoj Yadav, who had already 4 research scholars and consequently, Rule 6 of the Ordinance was

violated.

3. The submission of the learned Counsel for the Respondents cannot be appreciated for the reason that the Petitioners in paragraph 6 of the writ petition has contended that Dr. Manoj Yadav is a Reader in the Department of Physics, Himalayan Government P.G. College, Kotdwar, which fact has not been denied by the University in paragraph 7 of their counter affidavit. Consequently, Dr. Manoj Yadav being a reader was entitled to supervise 6 candidates at a time under the Ordinance. Assuming that Dr. Manoj Yadav had 4 scholars under him, 2 more could have been accommodated. The Court further finds that from a perusal of Clause (9) of the Ordinance, that the Research Degree Committee was required to satisfy itself with regard to the supervisor and further such satisfaction had to be considered on the basis of the synopsis submitted by the candidate and in the presence of the candidate. It was optional for the supervisor to be present or not.

4. In the light of the aforesaid, the writ petition is allowed. A writ of mandamus is issued to the University commanding them to convene a meeting of the Research Degree Committee and consider the synopsis of the Petitioners in the light of the Ordinance, which has been annexed as Annexure-CA-1 to the counter affidavit. Such meeting should be convened within six weeks from the date of production of a certified copy of this order. Necessary call letters shall be issued by the University to the Petitioners within the stipulated period.