

(2019) 11 DEL CK 0486

In the Delhi High Court

Case No : Civil Writ Petition No. 3615 Of 2018, Miscellaneous Application No. 14288 Of 2018, 1960, 1961, 40273 Of 2019

Nadeem Akhtar

APPELLANT

Vs

Jawaharlal Nehru University & Ors

RESPONDENT

Date of Decision : 25-11-2019

Acts Referred:

Citation : (2019) 11 DEL CK 0486

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ;C.Hari Shankar, J

Bench : Division Bench

Advocate : Akshita Raina, Monika Arora, Kushal Kumar, Dev P. Bhardwaj, Jatin Teotia, Aditya Awasthi, Khowaja Siddiqui

Final Decision : Disposed Of

Judgement

D.N. Patel, CJ

W.P.(C) 3615/2018

1. This Public Interest Litigation has been preferred with the following prayers :

"a. A writ of certiorari calling for the records of the case for perusal;

b. A writ of certiorari quashing the Ph.D. degree awarded in Persian in the Year 2000 to the Respondent no. 3 from the Centre for Persian & Central Asian Studies ('CP &CAS'), School of Language, Literature and Cultural Studies (SLL & CS) of the Respondent University on account of evident practice of plagiarism.

c. A writ of Prohibition may be ordered prohibiting the Respondent no.3/Mr. Sk. Ishtiaque Ahmed from supervising and guiding any M.Phil, or Ph.D. students in the Respondent University during the pendency of this writ petition.

d. A writ of certiorari quashing the selection and initial appointment of Respondent No.3/Mr. Sk. Ishtiaque Ahmed initially as an Asstt. Prof, and currently as an Associate Prof, in the Centre for Persian & Central Asian Studies, School of

Language, Literature and Cultural Studies, Jawaharlal Nehru University, New Delhi,

e. A writ of certiorari quashing the inaction on the part of the University in its 269th Executive Council meeting held on 18.09.2017 vis-à-vis plagiarism committed by Respondent NO. 3/Mr. Sk. Ishtiaque Ahmad in the book titled as "Iranian Politics: Intellectuals & Ulama" claimed to be authored by him and the inaction on part of the Executive Council to resolve to issue a simplicitor warning to be careful in future and it was more incumbent upon the Executive Council to act judiciously and thus, failing in its pious and sacrosanct duty of imparting education to the students and adheres to the Anti-Plagiarism mandates prescribed by the UGC, MHRD and University Rules and Regulations in this regard, being illegal, arbitrary, mala fide, unjust, unwarranted, irrational and against the interests of students and the cause of education

f. A writ of quo warranto may be ordered for ousting the Respondent No. No.3/Mr. Sk. Ishtiaque Ahmed initially as an Asstt. Prof, and currently as an Associate Prof, in the Centre for Persian & Central Asian Studies, School of Language, Literature and Cultural Studies, Jawaharlal Nehru University, New Delhi, in the larger interests of students, University and general public at large;

g. A writ of mandamus directing and commanding the NO.2/MHRD, UOI, to forthwith constitute a High Level Fact Finding Committee for fixing the responsibilities of uncovering the precise amount of intellectual plagiarism in the book, Ph.D. Thesis and the Article committed by Respondent No.3/Mr. Sk. Ishtiaque Ahmed, currently Associate Professor in the Centre for Persian & Central Asian Studies, School of Language, Literature and Cultural Studies, Jawaharlal Nehru University, New Delhi, pending disposal of the-writ petition.

h. A Writ of Mandamus commanding the Respondents to pay the costs of this petition to the Petitioner; and

i. Any other writ, order or direction which may be deemed fit and proper in the facts and circumstances of the case and in the interest of justice."

2. Having heard counsel for both the sides and looking to the facts and circumstances of the case, it appears that there are allegations leveled against Respondent No.3 who has completed his Ph.D. in the year 2000 and appointed as Assistant Professor in the year 2006 in the Centre for Persian & Central Asian Studies, School of Language, Literature and Cultural Studies of Jawaharlal Nehru University, Delhi.

3. Much has been argued by learned counsel for the petitioner about the manner in which the Ph.D. degree has been obtained by the respondent no.3 in the year 2000. This writ petition has been preferred in the year 2018 i.e. after 18 years. The main allegation of the petitioner is that the Ph.D. degree, obtained by the respondent no.3, is based upon plagiarism.

4. Looking to our earlier order dated 13th August, 2018 in this writ petition, we

find that a Multi-Member Committee was constituted of as many as 5 members to verify the allegations as stated by the petitioner in this writ petition.

5. The minutes of the meeting of the aforesaid Committee, held on 28th November, 2018, filed by counsel for the respondent no.1/JNU on 13th December, 2018 is at Annexure 1 (page 272 to the memo of this writ petition). Looking to the said minutes of the meeting, the charges of plagiarism in the thesis submitted by the respondent no.3 in the year 2000 were held as not established. The Ph.D. thesis was on the topic "Iranian Politics Intellectuals & Ulama".

6. Thus, looking to the minutes of the meeting of the Committee of Multi-Members which is at page 272 of the memo of this writ petition, we see no reason to entertain this writ petition.

7. It is also submitted by learned counsel for the petitioner that there is an earlier report which is against respondent no.3. This cannot be a ground for entertaining a writ petition and that too, as a public interest litigation.

8. Looking to the minutes of the meeting of the Five Members Committee which was constituted as per our order dated 13th August, 2018, the charge of plagiarism in the thesis given by the respondent no.3 is held as not established.

9. Moreover, it is submitted by learned counsel for the respondent no.3 that this petitioner is fond of filing such type of petitions and one more such type of petition was filed against a professor in the Guwahati University. We are not concerned with the litigations earlier initiated by this petitioner against other professors in other states but suffice it to say at this stage that looking to the minutes of the meeting dated 28th November, 2018 (page 272) of the Five Members Committee, we see no reason to entertain this writ petition. Hence, the same is hereby dismissed with no order as to costs.

CM Nos. 14288/2018, 1960, 1961, 40273/2019

1. In view of the disposal of the writ petition, all these applications are also disposed of.