

(2015) 03 DEL CK 0091
In the Delhi High Court
Case No : Writ Petition (C) 1359/2014

Neha Gupta

APPELLANT

Vs

University of Delhi

RESPONDENT

Date of Decision : 17-03-2015

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2015) 03 DEL CK 0091

Hon'ble Judges : Vibhu Bakhru, J.

Bench : Single Bench

Advocate : Anant Bhushan, for the Appellant; Amit Bansal, Seema Dolo and Manisha Singh, Advocates for the Respondent

Final Decision : Dismissed

Judgement

Vibhu Bakhru, J.

CM No. 19581/2014

For the reasons stated in the application, the same is allowed.

The application stands disposed of.

W.P.(C) 1359/2014

1. The petitioner has filed the present petition, inter alia, praying that the respondent be directed to grant provisional registration to the petitioner for a Ph.D. Programme in the Department of Community Medicine. The petitioner is a qualified graduate who has completed her full time Bachelors Degree Course in Dental Surgery and has been conferred a degree of Bachelor of Dental Surgery by MJP Rohilkhand University, Bareilly. The petitioner is currently working as a Senior Research Fellow, Department of Community Medicine, Maulana Azad Medical College, New Delhi. The petitioner has been denied admission as a research student under the Ph.D. programme with the Department of Community Medicine. And, this has led the petitioner to prefer the present petition.

2. The limited controversy to be addressed is whether the petitioner meets the eligibility criteria as prescribed under Ordinance VI(B) of the Delhi University.

3. The learned counsel for the petitioner contends that the degree course of Bachelor of Dental Surgery (hereafter "BDS") is equivalent to the Degree of MBBS and, therefore, the petitioner would be eligible for the admission to the Ph.D. Programme with the Department of Community Medicine. The learned counsel for the petitioner has also referred to the information received from Faculty of Medical Science, University of Delhi pursuant to an application under the Right to Information Act, 2005, which indicates that qualification of several candidates who were registered for the Ph.D. Programme in the Department of Community Medicine was M.Sc. in various Science Disciplines. According to the petitioner, the same indicates that reference to MBBS and B.Tech in paragraph 7 of Ordinance VI(B) is only indicative of the qualifications required and could not be read as exhaustive.

4. The learned counsel for the respondent controverted the above submission and submitted that the candidates holding the Degree of M.Sc. in allied subjects were eligible for admission to the Ph.D programme in terms of paragraph 5 of Ordinance VI(B). He further submitted that as the petitioner did not have an MBBS degree, she does not have the requisite qualification for being registered for the Ph.D programme.

5. I have heard the learned counsel for the parties.

6. Before proceeding further, it would be necessary to refer to paragraph 5 and 7 of Ordinance VI(B) of the Delhi University, which read as under:-

"5. To be eligible for admission to the Ph.D. Programme, a candidate must have obtained a Master's/M.Phil./MD/MS/MDS or Diplomas degree of the University of Delhi, or any other recognized University, or any degree recognized as equivalent in the subject in which the candidate wishes to pursue a course of research, or in an allied subject. She/He must have obtained either a minimum of 50% marks or equivalent grading in the MD/MS or Diplomas degree or a minimum of 55% marks or equivalent grading in the Master's degree.

A Candidate of allied subjects having M.Sc. qualification must have one year of Research experiences under the Supervisor so appointed by the Departmental Research Committee of that specialty provisionally before the final registration and approval by the Departmental Research Committee and BRS.

xxxx xxxx xxxx xxxx

7. Candidate with four years or more than four year Bachelor degrees, viz. B.Tech. and M.B.B.S. with 70% and 60% marks or equivalent grades respectively, who have obtained any of the national level fellowships, may be admitted provisionally in the Ph.D. Programme. Such students will be required to go through two semester course work which will be prescribed by the Departmental Research Committee and reported to the Board of Research

Studies, and other stipulated requirements like the Departmental seminar on the proposed research. They will qualify for confirmed registration after successful completion of the course work, and other stipulated requirements."

7. Paragraph 7 of Ordinance VI(B) indicates that four year Bachelor degrees, viz. B.Tech. and M.B.B.S. are considered to be acceptable qualifications provided other criteria are met. The petitioner submits that the expression "viz" should be read as "indicating an illustration". In other words, he contends that B.Tech. and MBBS are only illustrative of the degrees/qualifications that are considered as acceptable for the Ph.D Programme.

8. The expression "viz" is defined in Black's Law Dictionary as "A contraction for videlicet, to-wit, namely, that is to say." The Oxford Dictionary, inter alia, defines "viz" to mean "namely: that is to say: in other words".

9. As indicated above, "viz" is an abbreviation of the word "videlicet" which is defined to mean, namely: that is to say.

10. In view of the above, the contention that MBBS and B.Tech. should be read only as illustrative qualifications cannot be accepted. If the expression "viz" is read as, namely, the qualifications of B.Tech. and MBBS exhaust the qualifications/degrees that are considered as compliant with the eligibility criteria as spelt out under paragraph 7 of Ordinance VI(B). In other words, candidates having any other degrees or qualifications would not be eligible under paragraph 7 of Ordinance VI(B).

11. It is also relevant to note that by virtue of paragraph 5 of Ordinance VI(B) "a candidate must have obtained a Master's/M.Phil./MD/MS/MDS or Diplomas degree" to be eligible for admission to the Ph.D. Programme. The petitioner has not obtained a degree of "Masters of Dental Surgery", i.e. MDS and, therefore, it is clear from the plain reading of paragraph 5 of Ordinance VI(B) that petitioner's qualification would not be sufficient for her to join the Ph.D. Programme.

12. The contention that the qualification of B.Tech. and MBBS should not be considered as exhaustive for the purposes of paragraph 7 of Ordinance VI(B) as candidates having M.Sc. qualifications have also been admitted to the said programme, cannot be accepted. A candidate having a qualification of M.Sc. is eligible for admission to the Ph.D. Programme provided the candidate fulfills the criteria as spelt out under paragraph 5 of Ordinance VI(B). Thus, the candidates, who have obtained a Degree of Masters in Science, would qualify for admission under paragraph 5 of Ordinance VI(B) and not by virtue of paragraph 7 of Ordinance VI(B).

13. The learned counsel for the parties have also referred to the approval granted by Board of Research Studies (hereafter "BRS") on 31.10.2012 to allied subjects for registration to the Ph.D. Programme with the Faculty of Medical Sciences. The relevant extract concerning the subject of Community Medicine is

quoted below:-

14. The Departmental Research Committee (hereafter "DRC") considered the case of the petitioner at a meeting held on 13.02.2013 and concluded that "The educational qualifications of NEHA GUPTA does not make her eligible for provisional registration under Ph.D. Programme (as per BRS recommendation dated 31.10.2012)".

15. This was accepted by the BRS as is evident from the minutes of the meeting held on 12.04.2013. The relevant extracts of the said minutes read as under:-

16. It is apparent from the above that expert bodies have considered the case of the petitioner for admission to the Ph.D. Programme and found that the petitioner's educational qualifications did not meet the eligibility criteria.

17. I am unable to find any infirmity with the aforesaid decision that would warrant any interference under Article 226 of the Constitution of India. It is now well settled that the Courts would not supplant their opinion over that of the concerned authorities. This principle has to be applied a fortiori where the decision in question is of expert bodies in academic matters. The autonomy of the experts ought not to be interfered with.

18. A Coordinate Bench of this Court in Uma Shankar Vs. Jawahar Lal Nehru Univ. and Others--> had reiterated this principle in the following words:-

"If one goes only by appellations, the petitioner had had a very good case. The Courts however, are hardly equipped to pronounce in this issue. It has been held far too often that in matters pertaining to selection to academic and research positions in educational institutions, the autonomy of experts ought not to be lightly interfered with." 19. The Supreme Court, in All India Council for Technical Education Vs. Surinder Kumar Dhawan and Others, , expressed this principle in the following words :-

"17. The role of statutory expert bodies on education and role of courts are well defined by a simple rule. If it is a question of educational policy or an issue involving academic matter, the courts keep their hands off. If any provision of law or principle of law has to be interpreted, applied or enforced, with reference to or connected with education, courts will step in. In Dr. J.P. Kulshreshtha and Others Vs. Chancellor, Allahabad University and Others, this Court observed: (SCC pp. 424 and 426, paras 11 and 17)

"11. ... Judges must not rush in where even educationists fear to tread. ...

* * *

17. ... While there is no absolute ban, it is a rule of prudence that courts should hesitate to dislodge decisions of academic bodies.""

20. In view of the above, the petition is dismissed. No order as to costs.