

(2012) 01 P&H CK 0044
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 22115 of 2010

Pallavi Mahajan

APPELLANT

Vs

Panjab University and another

RESPONDENT

Date of Decision : 06-01-2012

Acts Referred:

Citation : (2012) 166 PLR 783 : (2013) 1 SCT 286

Hon'ble Judges : Augustine George Masih, J

Bench : Single Bench

Advocate : Amaninder Preet, for the Appellant; Deepak Sibal, for respondent No. 1. and Mr. Sanjeev Patyal, for respondents No. 4 to 8., for the Respondent

Final Decision : Allowed

Judgement

Augustine George Masih, J.—Through this writ petition, prayer has been made for issuance of a writ of certiorari quashing the notice issued by the Head of the Department, Public Administration, Panjab University-respondent No. 2, directing the petitioner and similarly situated candidates, who had passed the Ph.D. Entrance Test to again appear for Objective Type Test to be conducted on 13.12.2010 without any justification and in violation of the prospectus issued by Panjab University-respondent No. 1. Petitioner after passing her MA in Public Administration appeared for an entrance test for admission to M.Phil. Course, which she cleared and got third rank. After clearing the interview, she was admitted to the course in the month of August, 2010. Prospectus was issued by respondent No. 1-Panjab University for admission to Ph.D. Programme. As per the procedure for admission to Ph.D. Programme, as mentioned at page 5 of the said prospectus, candidates were to be admitted either directly or through M.Phil. Programme. For admission to the course, candidates have to qualify Ph.D. entrance test conducted by the Panjab University. It further provided that the written test shall be followed by a mandatory interview in the form of interaction to be organized by the concerned school/department/institute as the case may be. Page 6 of the prospectus deals with exemption from entrance test for

enrollment to Ph.D., clause (iii) provides that candidates who have joined M.Phil, on the basis of University entrance test for admission to Ph.D./M.Phil. were exempted from taking the entrance test for enrollment to Ph.D. It is on this basis that the counsel for the petitioner contends that since the petitioner falls under the exempted category for entrance test for enrollment to Ph.D., impugned notice issued by respondent No. 2 directing the petitioner and similarly situated candidates to pass Objective Type Test to be conducted on 13.12.2010, cannot sustain as the petitioner has been exempted from taking the test for admission to Ph.D.

2. Upon notice, reply has been filed by the respondents wherein it has been stated that for the purpose of enrollment/admission to Ph.D., there are two categories of candidates who are eligible; first are those who have cleared the Panjab University test as held for Ph.D. Entrance Test 2010 and the second is the category of exemptees. Total number of seats are only six and the eligible candidates are twenty two. Since eligible candidates from category No. 2 i.e. exemptees have not appeared in the test, it is not possible to assess the inter-se merit of the eligible candidates and this test is only with an intention to test the merit of all eligible candidates for putting them at par and then on the basis of merit secured in the test, the first six candidates be admitted/enrolled for the Ph.D. Course in the Department of Public Administration.

3. Counsel for the parties have made their submissions in the light of the pleadings which have been referred to above.

4. Copy of the prospectus has been appended as (Annexure P-1). Procedure for admission to Ph.D. Programme as provided at page 5 reads as follows:-

PROCEDURE FOR ADMISSION TO PhD. PROGRAMME

The candidates shall be admitted to Ph.D. Programme either directly or through M.Phil. Programme. For admission to these courses the candidates have to qualify Ph.D. entrance test conducted by the Panjab University. The written test shall be followed by a mandatory interview in the form of interaction to be organized by the concerned school/department/institute, as the case may be. At the time of interview, Doctoral candidates are expected to discuss their research area.

6. Exemption from entrance test for enrollment to Ph.D. is provided at page 6 of the prospectus which reads as follows:-

EXEMPTION FROM ENTRANCE TEST FOR ENROLMENT TO Ph.D.

Every candidate interested in admission to Ph.D. Programme in any of the school/department/institute of Panjab University has to appear in Ph.D. Entrance Test except the following:-

(i) The candidates who have qualified UGC/CSIR (JRF)/SLET/GATE examination.

In case of Science and Engineering Departments/Institutes (because of the cost

of the laboratory work) it will be prerogative of the Academic Committee of the Department to decide whether the candidates who have cleared SLET/Ph.D. entrance test without fellowship be admitted to Ph.D. Programme or not

(ii) Candidates who are Teacher Fellowship Holders/direct awardees of fellowship by DST (INSPIRE), ICMR or any other National Agency.

(iii) Candidates who have joined M.Phil, on the basis of University entrance test for Ph.D./M.Phil.

(iv) Sponsored Foreign Students holding valid Research Visa for doing Ph.D. under the ICCR or other Academic Exchange Programme fellowships of governments. However, each such case shall be decided by the Academic Committee of the concerned Department.

Provided that no exemption from said entrance test will be applicable to any candidate interested in admission to Ph.D. Programme in Faculty of Business Management and Commerce.

6. A perusal of the above leaves no manner of doubt that candidates who have joined M.Phil. on the basis of the University Entrance Test for Ph.D./M.Phil held earlier, are exempted from taking entrance test for enrollment to Ph.D. course. Procedure for admission to Ph.D. Programme provides that the candidates who passed the entrance test and the exemptees would have to go through a mandatory interview. Although the seats are only six in number whereas the candidates are twenty two in number, as per the reply filed by respondents No. 1 and 2, there being no provision for additional test between the entrance test and the interview, introduction of the same by the respondents is not in accordance with the prospectus which has a force of law.

7. The contention of the respondents that the exemptees have not gone through the process of test is not sustainable in the light of the fact that exemption has only been granted to those categories who have already gone through the initial process either of the entrance test or of tests which are held by various institutes/ organizations and are treated as equivalent to the entrance test. The decision of the respondents, therefore, calling upon the petitioner and similarly placed candidates to undergo an Objective Type Test on the basis of notice (Annexure P-3) cannot be sustained and is hereby quashed. Claim of the petitioner for admission be considered within a period of two weeks from the date of receipt of copy of this order. Writ petition is allowed in the above terms.