
(2005) 07 DEL CK 0131

In the Delhi High Court

Case No : Writ Petition (Civil) No. 804 of 2003

Seema Kumari

APPELLANT

Vs

Jawaharlal Nehru University and Others

RESPONDENT

Date of Decision : 28-07-2005

Acts Referred:

Citation : (2005) 123 DLT 5 : (2005) 84 DRJ 192

Hon'ble Judges : Gita Mittal, J

Bench : Single Bench

Advocate : Raman Kapur, for the Appellant; S.C. Dhanda, for the Respondent

Final Decision : Dismissed

Judgement

Gita Mittal, J.—This writ petition has been filed by the petitioner seeking a direction to the respondents to give admission to her for undertaking the direct Ph.D. programme in the Group of Comparative Politics and Political Theory in the School of International Studies of the Jawaharlal Nehru University. In the alternative, the petitioner seeks a direction to the University to grant her extension of time to enable her to complete her remaining research/Ph.D. on the ground that she has completed substantial portion of the work.

2. So far as the factual matrix is concerned, there is no real dispute. It has been contended that in the year 1996, the petitioner was successful in qualifying the entrance test and got herself enrolled for the M.Phil. programme in the South Asia Division, i.e., Centre for South Central Sought East Asian and South West Pacific Studies in the School of International Studies of the Jawaharlal Nehru University. She completed her M.Phil in the year 1998 under the supervision of Professor Kalim Bahadur with the topic for dissertation being "Womens Movement in Pakistan, period 1977 to 1997". Thereafter, the petitioner applied for admission to the Ph.D. Programme. Her admission was confirmed in the Ph.D. course beginning from the monsoon semester starting with effect from August, 1998. As per the applicable Ordinance, a candidate is required to submit his/her

synopsis within six months and to complete Ph.D. within four years. However, the petitioner took a period of two and a half years to submit her synopsis which was approved on 20th March, 2001.

3. According to the respondents, Professor Kalim Bahadur was to retire in June, 2001 under whom the petitioner had pursued her M. Phil. programme. On account of his impending retirement, in the case of the petitioner, two guides were appointed for her Ph.D. thesis, namely Dr. Savita Pandey and Dr. Kalim Bahadur.

4. The respondents are placing reliance on Clause 9 of the Ordinance whereby a candidate is allowed six years time to submit his/her doctoral thesis from the date of his/her initial admission to the M.Phil/Ph.D. programme or four years from the confirmation to the Ph.D. Programme, whichever is earlier.

5. up to January, 2002, the petitioner had not done any research work and had failed to submit any chapter of the thesis to her guide. It has been urged that the guide repeatedly advised the petitioner to do her research work. Under these circumstances, the petitioner gave an undertaking dated 8th January, 2002 to the University stating that she would complete her work within the allotted time, that is, before the end of July, 2002. In order to abide by her undertaking, the petitioner hurriedly wrote one chapter and submitted the same to the supervisor in May, 2002. This chapter was found by the supervisor to be shoddily written. In June, 2002, the petitioner is stated to have submitted another similarly written chapter of the thesis.

6. The period provided under the Ordinance for completion of the Ph.D. thesis from the date of her confirmation was coming to an end in July, 2002. The petitioner thus failed to complete her thesis within the time permitted and consequently ceased to be a student.

7. The respondents have submitted that as per Clause 5(b) of the Ph.D. Ordinance, in case thesis have been prepared in part or full under a guide who ceases to be an employee of the University, subject to his availability and recommendation of the department/centre, he could be continued as a joint supervisor of the student concerned. Professor Kalim Bahadur, one of the guides allotted to the petitioner, retired within two months of the submission and approval of her synopsis in June, 2001. It is contended that under these circumstances, the petitioner had not prepared any portion of her thesis under this guidance. In these circumstances, Dr. Kalim Bahadur would not fall as a supervisor who would be covered under clause 5(b) of the ordinances.

8. The respondents have pointed out that after the retirement of Professor Kalim Bahadur, the petitioner remained on the rolls of the university up to May, 2003 when she worked on her Ph.D. research work under the sole supervision of Professor Savita Pandey. The only two chapters submitted by her were submitted to Dr. Savita Pandey and at no point of time the petitioner had raised any objection to Dr. Pandey being her guide.

9. The respondents have further submitted that under Clause 9(b) of the Ordinance, even after ceasing to be registered with the Jawahar Lal Nehru University, the petitioner can continue with her research work and seek re-registration after showing satisfactory progress in her research work which should be of an acceptable quality in the academic world. According to the respondents, a candidate is given a maximum period of one year from the date of re-registration under Clause 9 (b) for submission of the doctoral thesis.

10. Mr. S.C. Dhanda, learned counsel for the respondent submits that the petitioner accepted her disentanglement to continue with her earlier thesis and applied for fresh admission to a direct Ph.D. course in the Centre of Group of Comparative Politics & Political Theories in June, 2002. She was called for the viva voce but the petitioner did not disclose on her application form for admission that she had been pursuing her studies for a Ph.D. course for a period of four years in another centre which she had failed to complete. She was denied admission because of her poor academic performance and concealment of material facts on the application form. The respondents have contended that the Chief Proctor vide office order No.76/CP/203/ dated 8th January, 2003 ordered a case of disciplinary action for concealment of vital information.

11. There can be no quarrel with the principle academic discipline has to be strictly enforced. Course durations are set by the academic experts and universities keeping in view the abilities of the students and course contents. Undoubtedly no student can be permitted to stretch out a course duration beyond the limits so fixed by the authorities. So far as the Jawaharlal Nehru University is concerned, the provisions governing the period within which the Ph.D. programme has to be completed has been provided in Clause 9 of the Ordinance (relating to the award of degree of Doctorate of Philosophy). The same reads as under:-

9.(a) The name of the candidate shall be removed from the rolls of the University if he/she fails to submit his/her thesis within six years of the date of his/her initial admission to the M.Phil./Ph.D. Programme or four years from the date of his/her confirmation to the Ph.D. Programme whichever is earlier.

9.(b) The Committee for Advanced Studies and Research on the recommendation of concerned Department/Centre may, however, subsequently, accept the request of candidate whose name has been removed from the rolls of the University under sub-clause (a) above, to get re-enrolled and become eligible for submission of his/her thesis, provided that he/she submits his/her thesis within one year from the date of his/her enrolment."

12. Thus a candidate is required to submit his/her thesis within six years from her initial admission to the Ph.D. programme or four years from the date of her confirmation of the Ph.D. programme, whichever is earlier. In the instant case, the petitioner's admission was confirmed in the year 1998. The respondents have deposed an affidavit that the period within which she was required to

submit her thesis came to an end in July, 2002. This statement of fact is not disputed by the petitioner and no rejoinder has been filed to the counter affidavit of the respondents.

13. The petitioner was fully conscious of the time constraint and had submitted an undertaking dated 8th January, 2002 which was to the following effect:-

"To

The Supervisor,

I have not submitted any chapter so far. I, however, promise to finish my work in time (by the end of July 02).

Faithfully your"s

Date Seema Kumari

8.1.2002 Ph.D. Student"

14. Despite the expiry of the four years period in July, 2002, the petitioner is stated to have submitted two chapters of thesis only which too are stated to have been written hurriedly and were of poor academic quality.

15. Under these circumstances, the name of the petitioner could not continue in rolls of the university as being registered for the Ph.D. programme in terms of the clause 9 of the afore-noticed Ordinance.

16. The petitioner was conscious of this prohibition and consequently, appears to have applied for the direct Ph.D. programme for which she could have enrolled. Such application was submitted in June, 2002.

17. According to the respondents, this application was not granted because of concealment of material fact in the form to the effect that she stood enrolled for the Ph.D. programme with the Centre for Centre for South Central South East Asian and South West Pacific Studies and that she was unable to complete the same.

18. The petitioner has submitted that there was no column requiring her to disclose such information in the application form in the year 2002 and that a column for such information has been inserted only recently.

In answer to this submission, the respondents have placed on record a photocopy of the application form of the petitioner. My attention has been drawn to column 16 in this form which reads as under:-

" 1. Have you applied for admission in

J.N.U. earlier ?

Yes

No

2. In case Yes, Please give details

(a) Academic year and programme of study for which applied

M.Phil.

(b) Whether selected for admission ?

Yes

No

19. The form for the current year which has been placed on record by the petitioner, on which reliance is being placed, also requires to be considered. The same contains the following columns:-

" 1. Have you applied for admission in J.N.U. earlier Yes/No

2. In case Yes, Please give details

(a) Academic year and programme of study for which applied

(b) Whether selected for admission Yes/No

3. Have you applied for admission in JNU this year for Pre-Ph.D./M.Phil./Ph.D. Through Entrance Exam.

4. In case Yes, Please give details Programmes of study for which applied:

_____ "

20. Thus, it is to be noticed that the queries at Serial numbers 3 & 4 have been added in this form.

21. The application form for the Ph.D. programme is required to be filled up by a student who has undertaken a post-graduate course. In the case of the petitioner, she has stated that she had also successfully undertaken the Master of Philosophy programme. Thus the candidates applying for admission to a doctoral programme are highly educated and cannot possibly be heard to contend that they could not understand the information which was sought. I find that the form which was filled up by the petitioner categorically required information as to the academic year and programme of the study for which the candidate had earlier applied. The programme for which the petitioner had been registered at the time when she filed the form was the Doctorate of Philosophy programme (Ph.D.). Instead of giving this information, the petitioner consciously and deliberately provided information of the programme which she had pursued prior to her registration in such doctoral course. The petitioner has consciously given information only about her admission to the M. Phil. programme

22. I find force in the submissions of the respondents that the petitioner concealed vital information which would have had a bearing upon the decision of the respondents to grant her admission to the direct Ph.D. programme.

23. In any case, the respondents have taken a conscious decision and after considering the merit of the candidature of the petitioner, have refused to grant admission to her for direct Ph.D. programme. In my view, such decision taken by a committee of academic experts in the field cannot be faulted on any legally tenable grounds.

24. At this stage, it would be appropriate to consider the other prayer of the petitioner that action of the respondent in removing her name from the rolls was arbitrary and contrary to law. I find that despite the expiry of four years, the petitioner admittedly had completed and submitted only two chapters of thesis which were also not found academically worthy. The petitioner submitted her synopsis which she was required to submit within six months only after expiry of two and a half years. The respondents are bound by the provisions of Clause 9 of the Ordinance relating to award of the degree of Ph.D. There is no discretion conferred upon the respondents to extend the period after the limit provided is over. The requirement of the Ordinance is mandatory.

25. The present writ petition has remained pending in court for almost two years. There is not a single assertion even before this court in any pleading or affidavit that the petitioner had accomplished substantial work of her thesis or has completed the same. Despite an undertaking given as back as on 8th January, 2002, the petitioner could not submit her complete work in July, 2002. The petitioner, Therefore, cannot be granted any extension to complete her thesis.

26. For all the foregoing reasons, I find no illegality in the action of the respondents in removing the name of the petitioner from the rolls.

27. The petitioner has also prayed for permitting her to complete her research/remaining Ph.D. work under retired Professor Dr. Kalim Bahadur. I find that in this behalf, the respondents are again governed by the provisions of the Ordinance relevant portion of which reads as under:-

"5 (b) If the Committee is so satisfied, it may subject to confirmation by the Board of the School, admit the candidate provisionally to the course leading to the award of the Ph.D. degree, and at the appropriate time, appoint on the recommendation of the Department/Centre concerned, a teacher of the University as an Adviser or Supervisor(s) to guide and supervise the work of the candidate.

Provided that the committee for Advanced Studies and Research may, on the recommendation of the Department/Centre, appoint joint Supervisors in any particular case.

Provided further that in case of Supervisor, under whose guidance a thesis has been prepared in part or in full, ceases to be a teacher of the University, he/she may, subject to his/her availability and recommendation of the Deptt./Centre, be continued by the Committee for Advanced studies and Research as joint supervisor of the student concerned."

28. The petitioner does not dispute that after she gave her synopsis in March, 2001, she barely put together one chapter of thesis in May, 2002 and another in June, 2002. The petitioner has also not disputed that Professor Kalim Bahadur retired in June, 2001.

29. It is, Therefore, writ large on the face of the record that the petitioner had done no research work nor any work towards her thesis under the guidance and supervision of Professor Kalim Bahadur. In any case, having regard to the period between approval of her thesis in March, 2001 and Professor's retirement in June, 2001, it is evident that even if any work had been done, the same would have been negligible. Therefore, it cannot be possibly be held that the petitioner had prepared her thesis "in part or in full" under the guidance of Dr. Kalim Bahadur to entitle her to continuation of his guidance for the purposes of the Ph.D. programme under the Ordinance.

30. I find force in the submissions made on behalf of the respondent that such provision has been incorporated in order to provide for a contingency where a guide ceases to be a teacher of the University for any reason. A guide under whom a student had undertaken substantial work may cease to be a teacher of the University and, Therefore, prejudice would result to the student on account of his/her non-availability.

31. In the foregoing facts, no prejudice would result to the petitioner on account of retirement of Dr. Kalim Bahadur.

32. In taking this view, I am also fortified by the contradictory stand taken by the petitioner at one place to the effect that she could not complete her thesis on account of retirement of Professor Kalim Bahadur and another place to the effect that she could not complete the same on account of purported illness.

33. The respondents have stated that it was in view of the impending retirement of Prof. Kalim Bahadur that two guides were appointed for the petitioner namely Dr. Savita Pandey and Dr. Kalim Bahadur. This was done to enable the petitioner to have continuity of guidance. Under the circumstances, the petitioner cannot possibly contend any legal right to seek continuation of guidance of Dr. Kalim Bahadur.

34. It would be noteworthy to notice the conduct of the petitioner . At no point of time, the petitioner made any grievance to Dr. Savita Pandey, being nominated as a guide for her Ph.D. thesis. No grievance was made against her in the writ petition. It was only when the case was at the final stage that an affidavit dated 11th April, 2005 has been filed making wild allegation based on newspaper clippings. Such conduct is most unbecoming of a student and is wholly unwarranted in as much as Dr. Savita Pandey has not been arrayed as party respondent and would have no opportunity to defend herself. Such allegations have been made only in a rejoinder affidavit to a reply affidavit of the respondents. I have no hesitation in holding that such allegations based on newspaper reports have been made recklessly and with utter irresponsibility

without any basis.

35. Subsequent to the filing of the writ petition, the petitioner has sought to place on record instances which are stated to be similar to that of candidates who were permitted to continue with a guide despite his/her retirement.

36. The respondents have pointed out that this is permissible only if the case falls within the purview of clause 5(b) of the University Ordinance. I have already held that the petitioner had done no work towards her Ph.D. programme whatsoever under the guidance of Dr. Kalim Bahadur and as such she cannot possibly claim entitlement to continuation of her guidance under the clause 5 (b).

37. I also find that the petitioner has not given any details with regard to the instances of other students which have been cited by her in terms of dates on which their admission confirmed, synopsis accepted and the dates or relevant material with regard to submission of thesis and dates of retirement of guides/supervisors.

38. Under these circumstances, the plea of hostile discrimination urged by the petitioner bereft of any detail and particulars is wholly misconceived. In any case, the petitioner does not fall within the four corners of the provisions of the Ordinance governing the matter.

39. I find that the petitioner has no one but herself to blame for the situation in which she finds herself pursued the Ph.D. course and resultant action of the respondents.

40. The respondents have in all fairness also drawn my attention to the provisions of Clause 9(b) reproduced herein above.

41. I find that despite the action of the respondents in removing the petitioner's name from their rolls by virtue of Clause 9(a) of the Ordinance, the petitioner can still get re-enrolled and become eligible for submission of her thesis provided that she submits her thesis within one year from the date of her re-registration.

For all the foregoing reasons, I find no merit in the writ petition which is hereby dismissed.

There shall be no order as to costs.