

(2014) 01 DEL CK 0318
In the Delhi High Court
Case No : Writ Petition (C) 383 of 2014

Shailabala Mishra

APPELLANT

Vs

Jawaharlal Nehru University and Another

RESPONDENT

Date of Decision : 20-01-2014

Acts Referred:

Citation : (2014) 01 DEL CK 0318

Hon'ble Judges : Manmohan, J

Bench : Single Bench

Advocate : Tripurari Ray, for the Appellant; Mohinder J.S. Rupal, for the Respondent

Final Decision : Dismissed

Judgement

Manmohan, J.—Present writ petition has been filed with the following prayers:-

(a) Issue a declaratory writ declaring that re-submission of the M. Phil dissertation after rejection is to be read in the Ordinance of Jawaharlal Nehru University;

(b) Issue a writ order or direction in the nature of mandamus directing Respondent No. 1 to permit the petitioner to re-submit her M. Phil dissertation after carrying out improvements;

(c) Issue an appropriate writ order or direction directing the Respondents to pay compensation to the petitioner for the harassment suffered by her on account of malicious conduct of Respondent No. 2;

(d) Lay down guide lines to ensure that research students are fairly treated and properly guided by her guide/supervisor; and

(e) and/or pass any other or further orders which Your Lordships may deem fit and proper in the interest of justice.

Mr. Tripurari Rao, learned counsel for petitioner states that petitioner should be

given a second chance to re-submit her M. Phil. thesis just like a Ph.D. student. In the writ petition, certain allegations have also been made against the petitioner's guide.

2. However, a perusal of the paper book reveals that both the external guide as well as the Committee constituted by the Committee for Advanced Studies and Research (for short "CASR") have pointed out major defects in the petitioner's thesis. The relevant portions of the external guide's comments as well as that of the Committee constituted by the CASR are reproduced hereinbelow:-

A) Comments by the External Guide

...However, there are certain problems with her analysis. Analysis of pottery has become a sophisticated discipline. Apart from the study of shapes, experts also study motifs, designs, nature of raw materials, surface treatment and techniques of firing. Ethno-archaeology has also led to a better understanding of pottery making traditions. In the present analysis only the shape of pots have been investigated. Also the sample size seems to be very small. Drawing conclusions from a limited body of evidence with little or no innovation in asking questions, the thesis fails to find answers to issues if raised. Chapter 5 is full of useless repetition. Same data and conclusions have been presented over and over again. Ms. Mishra's presentation is full of errors of expression. As such her dissertation cannot be approved for the award of Master of Philosophy.

(emphasis supplied)

B) Comments by the Committee constituted by CASR

iv. Plagiarism-P 159 second paragraph onwards also P. 160, 161, 162, 163, part of 164, then 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 207, 209, from Joshi 1993 177 pp at least 20 pages of the substantive chapter in addition to the 123 mentioned above).

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vi. The candidate is not aware of the distinction between post and late and tends to use both these terms synonymously throughout the dissertation, this shows a complete lack of chronological awareness expected of students of archaeology/history...

vii. She is unaware of the distinction between Harappa, the name of a site and Harappan, the name of the civilization and uses them synonymously again, this is unacceptable for a student of archaeology.

viii. She is unaware of the distinction between pottery and tradition.

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We are also appending the written submission made by Ms. Shailabala Mishra to the Committee on 25th July, 2012. This mainly pertains to her inter personal relationship with the supervisor. We cannot assess the inter-personal interaction

at this stage, but from the e-mails appended by Ms. Shailabala Mishra in her earlier submission and her corroboration regarding the March, 2012 synopsis presentation, it appears that the supervisor, Dr. Varma was attempting to accommodate her till the very end, while reminding her of the limitations of the work being done. This reflects that the communication between the supervisor and the student was intact till the submission of the dissertation.

The members also took into consideration the statutory position, evident from Shri J.K. Tripathi's letter dated 8th June, 2012, which cites clause 11.2 of the M. Phil. ordinance. This states categorically that there is no provision for re-examination for the dissertation of an M. Phil. students if it has been rejected by both examiners as is the case in the present instance...

(emphasis supplied)

3. Keeping in view the serious allegation of plagiarism as well as alleged lack of knowledge of basic concepts like Harappa site and Harappan civilization as well as distinction between pottery and tradition, this Court is of the view that the allegations against the guide are contrary to facts.

4. Further, in the absence of a specific provision for the re-examination of thesis, this Court cannot grant a second chance to the petitioner. Petitioner's claim for equality qua Ph.D. students is also not maintainable. This Court is of the opinion that Ph.D. and M. Phil. students are separate classes and the additional concession given to Ph.D. students is founded on an intelligible differentia which has a rationale relation to the object sought to be achieved.

5. Moreover, in academic matters experts, academicians and universities should have the last word and this Court cannot devise a rule by which an M. Phil. student is given another chance to re-submit his/her dissertation. The Supreme Court in All India Council for Technical Education Vs. Surinder Kumar Dhawan and Others, reiterated that the Courts are neither equipped nor have academic or technical backgrounds to take decisions in academic matters and if the Courts start doing the same, it will lead to chaos in education. It was further held that the Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by the persons authorized to do so and that the Courts cannot interfere with policy either on the ground that it is erroneous or on the ground that a better, fairer or wiser alternative is available. After all legality of the policy, and not the wisdom or soundness of the policy, is the subject of judicial review. Similarly, in University Grants Commission and Another Vs. Neha Anil Bobde (Gadekar), it was held that in academic matters, unless there is clear violation of statutory provisions, regulations or notification issued, Courts should not interfere. Consequently, present writ petition is dismissed but with no order as to costs.