
(1997) 01 DEL CK 0058

In the Delhi High Court

Case No : Civil Writ Petition No"s. 2219 and 3968 of 1996

Shankar Sharan

APPELLANT

Vs

Jawaharlal Nehru University and Others

RESPONDENT

Date of Decision : 29-01-1997

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1997) 66 DLT 517

Hon'ble Judges : Chander Mohan Nayar, J

Bench : Single Bench

Advocate : Vijay Hansaria, S.P. Singh, Manjula Gupta and S.C. Dhanda, for the Appellant;

Judgement

C.M. Nayar, J.

(1) The averments made in the present writ petition are as follows:

(2) The petitioner completed the masters degree in Political Science from Bhagalpur University, Bhagalpur, Bihar in the year 1983 and, thereafter, he taught Political Science in Maramchi College, Maramchi, Patna, Bihar from September, 1983 to July, 1987. While teaching in the said College, the petitioner went to U.S.S.R. (Russia) to study Soviet Political System in the year 1985 and stayed there till 1986 and completed the course from the Institute of Social Science, Moscow.

(3) The petitioner thereafter appeared in All India Entrance Test conducted by the respondent-University for the M.Phil. Programme in Soviet Studies and completed the course achieving a good grade equivalent to 71% marks in the year 1990. Thereafter, he was awarded Junior Research Fellowship and became eligible for lectureship as per the U.G.C. guidelines. He was further awarded Senior Research Fellowship during 1989-92 and after completing the M.Phil. Course in the year 1993 the petitioner joined Ph. D. programme in the same centre and submitted his Ph. D. thesis titled Democratic Centralism : A Study of

Theory and Practice of Soviet Party Organisation to the Dean of School of International Studies on 20th July, 1993.

(4) The petitioner contends that the said thesis was submitted and the same was approved by Prof. K.K.Dasgupta, respondent No. 5 herein who was one of the examiners, subject to the conditions as specified in the communication dated 10th April, 1995 which is filed as Annexure-F to the writ petition. The main grievance of the petitioner is that it was not required that the thesis be resubmitted to the examiners in case the revision was made as suggested. The viva voce test thereafter had to be conducted as per the recommendations of respondent No. 5. The petitioner seems to be aggrieved by the non consideration of the plea for viva voce test by respondent No. 4, Prof. R.R.Sharma who was the Supervisor of the petitioner.

(7) The respondents have filed counter affidavit wherein it is specifically pleaded that in a case of academic assessment of a student the Supervisor as well as the examiner are fully empowered to assess the student and no malafides can be attributed on the part of any member of the teaching faculty. Moreover, Clause 14 of the Academic Ordinance specifies that :

"EACH examiner after examining the thesis submitted by the candidate for the award of the Ph. D. Degree shall submit a report to the Dean of the School concerned containing a clear recommendation whether in his/her opinion: (a) The viva-voce examination of the candidate should be held; or (b) the thesis should be referred back to the candidate for revision; or (c) It should be rejected."

(8) The learned Counsel for the petitioner contends that the petitioner was entitled to viva voce test as the amendments suggested by Prof. K.K. Dasgupta, respondent No. 5 were fully carried out and there was no question of any resubmission of the thesis. This is, however, refuted by learned Counsel appearing for the respondents. Be that as it may, the main grievance of the petitioner is against Prof. R.R. Sharma who was the Supervisor. The said respondent it is stated, has since been appointed Vice-Chancellor, Jammu & Kashmir University and as such he may not have any interest in the matter. The appropriate body of the University will, Therefore, now consider the appointment of a new Supervisor in place of Prof. Sharma and the grievance of the petitioner in thus background does not survive. The respondent University will act in the above terms and no further proceedings are necessary in this petition. The same is accordingly disposed of.