

(2011) 02 DEL CK 0370
In the Delhi High Court
Case No : Writ Petition (C) 1081 of 2011

Surender Kumar	Vs	APPELLANT
AJK Mass Communication Research Centre and Others		RESPONDENT

Date of Decision : 21-02-2011

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2011) 02 DEL CK 0370

Hon'ble Judges : Rajiv Sahai Endlaw, J

Bench : Single Bench

Advocate : Viraj Kadam, Pinaki Addy and Suhas Kadam, for the Appellant; M.A. Siddiqui, for the Respondent

Final Decision : Dismissed

Judgement

Rajiv Sahai Endlaw, J.—The Petitioner claiming to be belonging to the Scheduled Caste, by this petition impugns the decision dated 3rd December, 2010 of the Respondent No. 1 Institute (of the Respondent No. 2 Jamia Millia Islamia University) rejecting the Petitioner's application / proposal for admission to the Ph.D. programme. The Petitioner avers that the said decision is arbitrary, biased, without application of mind and without just and proper reasons.

2. The Petitioner had first applied for admission to the Ph.D. programme of the Respondents in August, 2009 when his application was rejected for the reason of his then not having minimum 55% eligibility marks for admission to the said programme. It is the case of the Petitioner that though the Respondents were not following the UGC guidelines of relaxation of 5% marks for the Scheduled Castes candidates but the Petitioner nevertheless enrolled himself for another post graduation course in Mass Communication and by the dint of his hard work secured 65% marks therein and in January, 2010 again applied for admission to the Ph.D. programme with the project topic / research proposal of "Portrayal of Dalit in Hindi Art Cinema". The Petitioner claims that the Respondents on 8th March, 2010 rejected his candidature on the ground that his proposal has no

scholarly importance. The Petitioner claims to have in October, 2010 again applied, with the project / topic of research being "Construction of Dalit Image in Hindi Art Cinema - Reality or Prejudice; A Comparative Study of Hindi Offbeat and Blockbuster Cinemas during 1970-2009".

3. The candidature of the Petitioner this time has been rejected vide decision dated 3rd December, 2010 for the following reasons:

The candidate has mentioned in the title of the proposal that he will study a period of 39 years which he was not able to justify contextually during the interview. The candidate was not clear about the method and the process for conducting the research. He was unable to justify the criteria of choosing Dalit character from Blockbuster cinema. Due to inadequate review of literature, the candidate has no idea of the theoretical underpinnings of his research. While answering about the significance of the study, the candidate spoke in a conceptual vacuum. Cannot be considered. The candidate had submitted the similar proposal last year and it was rejected by the experts. This time he has just made some cosmetic changes in the proposal and submitted it again without making required changes.

Aggrieved therefrom the present petition has been filed.

4. The counsel for the Respondent University appears on advance notice.

5. The Petitioner has contended the aforesaid decision to be arbitrary for the reason that while the project report submitted earlier was of 10 pages, this time around, it was of 25 pages and thus the reasoning given of the Petitioner having merely made cosmetic changes in his earlier project report is erroneous. The counsel for the Petitioner argues that the changes from 10 to 25 pages cannot be cosmetic.

6. He has further argued that the Respondents have a bias against Scheduled Castes and Scheduled Tribes candidates and have not been admitting any Scheduled Castes candidates in the Ph.D. programme, thereby depriving them of the benefits of higher education.

7. However, this Court in the present petition is not examining the conduct of the Respondents in general and is concerned only with the case of the Petitioner. Moreover, the challenge now is to the decision on the last attempt and not to the rejection for the earlier years. The rejection in the earlier years can only be seen in the said context.

8. The argument of the counsel for the Petitioner, of the reasoning of merely cosmetic changes having been made in the earlier project report being erroneous or arbitrary, merely because of the increase in volume thereof from 10 to 15 pages cannot be accepted. The proposed project is to be examined for its substance and not by the volume. It has not otherwise been shown as to how the project report submitted this time was different.

9. The counsel for the Petitioner has handed over in the Court a worksheet of Respondents of consideration of the proposal submitted by one Ms. Summera Khan stated to a famed TV Anchor for Star News. It is contended therefrom that though the Respondents allowed the said Ms. Summera Khan to submit the project report after revision, no such opportunity was given to the Petitioner. It is contended that even if any deficiency was found in the project of the Petitioner, the Petitioner also ought to have been given a chance to revise the same and which has been denied. The said Ms. Summera Khan, as it appears from the document handed over in the Court, had submitted a project report on "Sachar Committee's findings and recommendations and the coverage given to them in the print media - a comparative study of leading English, Hindi and Urdu Newspapers". The finding of the Expert Committee of the Respondents with respect to her project report and interview were as under:

She was articulate. But she talks less about previous literature on the topic. She needs to study more on sampling techniques. However, her topic is relevant and she had fair knowledge about the issue.

10. In view of the aforesaid material, different in the comments of the Expert Committee qua project report of said Ms. Summera Khan, it cannot be said that the case of the Petitioner was the same as that of the said Ms. Summera Khan.

11. The counsel for the Petitioner has next argued that the Petitioner in the interview this time round was told on his face that he cannot expect to be accepted merely by applying the third time. It is contended that this being the attitude of the Respondents towards Scheduled Castes / Scheduled Tribes, the Petitioner could not expect an objective assessment.

12. It is undisputed that the project reports / proposals submitted are examined by an Expert Committee constituted for the said purpose.

13. I have enquired from the counsel for the Petitioners as to how many persons constitute the Committee which interviewed the Petitioner; he replies that the said Committee constitute of six persons. Without any allegations of bias against the members of the Expert Committee, I am unable to find that the Petitioner has made out any case of bias. Be that as it may, it has been enquired from the counsel for the Respondents appearing on advance notice as to whether there is any provision in the Calendar of the Respondents for reconsideration of the project report. The counsel states that there is none. He however contends that Mass Communication programme of the Respondents is considered one of the best not only in the country but in the entire Asian region and the Committee comprises of experts in the field and it would be an insult to the said experts to direct the said proposal to be reviewed.

14. I also find that the experts, in the decision impugned, have given cogent reasons. There is nothing to show that there is any error in their assessment of the Petitioner and his project. This Court in exercise of jurisdiction under Article 226 cannot substitute its own opinion as to who should be admitted and who

should not be, to such highly specialized field to which the Petitioner has sought admission.

15. The counsel for the Respondents has also stated that the Petitioner, if keen for Doctorate, has an opportunity to resubmit the project, applications whereof are invited every five to six months.

16. The counsel for the Respondents also assures that the Petitioner, if desirous of pursuing the Doctorate can approach either any of the faculty members of the Institute of Mass Communication of the Respondents and / or the counsel who will guide the Petitioner in this regard. The petition is dismissed. No order as to costs.