

GAHC010214492023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/5776/2023

JAYANTA BORUAH
SON OF LATE GHANA BORUAH,
RESIDENT OF VILL- CHETIA,
P.O. AND P.S.- GHILAMARA,
DISTRICT- LAKHIMPUR,
PIN- 787053, ASSAM.

VERSUS

THE ASSAM UNIVERSITY AND 4 ORS
SILCHAR, CACHAR, PIN- 788011,
REPRESENTED BY ITS VICE CHANCELLOR (VC).

2:THE REGISTRAR
ASSAM UNIVERSITY
SILCHAR
CACHAR
PIN- 788011.

3:THE UNIVERSITY GRANT COMMISSION (UGC)
REPRESENTED BY ITS CHAIRMAN
BAHADUR SHAH ZAFAR MARG

NEW DELHI- PIN- 110002.

4:PROF. SAJAL NAG
THE THEN PROFESSOR

DEPARTMENT OF HISTORY

ASSAM UNIVERSITY
CACHAR

ASSAM
PIN- 788011.

5:DR. SUDIP SAHA
DEPARTMENT OF HISTORY

ASSAM UNIVERSITY
CACHAR

ASSAM
PIN- 788011

Advocate for the Petitioner : MR B KAUSHIK

Advocate for the Respondent : SC, ASSAM UNIVERSITY

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 12-12-2023

Heard Mr. B. Kaushik, learned counsel for the petitioner. Also heard Mr. S.C. Keyal, learned counsel for the Assam University.

2. The petitioner Jayanta Boruah was registered as a Ph.D. student in the year 2018 and he was placed under the supervision of Professor Sajal Nag, who is arrayed as respondent No. 4 in this writ petition, bearing enrollment No. 0120800086. The petitioner had undertaken the research work on the *topic "The Perception and Attitude of the Assamese towards the Bengal and Bengalis in the 19th to 20th Century"*. The nature of the topic was such that because of the political situation prevailing at that relevant point of time regarding the NRC issue and the CAA protest as well as the Covid-19 pandemic there were certain impediments in data collection of the petitioner in pursuance of his Ph.D. degree in the aforesaid topic.

3. Be that as it may the petitioner claims that he has done substantial progress towards his research work. According to the petitioner although there is a requirement to hold a seminar in every six months but for the first two seminars he was not called but however, he was called for a seminar on 15.09.2022 and the petitioner presented the progress of the work he had made towards the research work. It is stated that the supervisor did not accept the work that was presented and on the other hand raised an allegation that the petitioner had not attended the earlier seminars, had rejected his research work which ultimately resulted in cancellation of his registration which is notified on 27.03.2023.

4. Being aggrieved, this writ petition is instituted.

5. Mr. B. Kaushik, learned counsel for the petitioner has raised an issue that although a serious effort has been made by the petitioner inspite of the noticeable impediments as indicated above, the work done by him was not appropriately appreciated by the authorities and the appointed supervisor had a bias feeling towards the petitioner and was not accommodative. It is stated that it is because of such circumstances ultimately the registration of the Ph.D. course of the petitioner was cancelled.

6. On the other hand, Mr. S.C. Keyal, learned counsel for the respondents in the Assam University upon instruction has informed the Court that the progress of the petitioner in the Ph.D. was grossly insufficient requiring the University not to allow him to continue the course any further and this is because of this reason that his Ph.D. registration was cancelled.

7. Certain allegations have also been raised by the petitioner that the supervisor was biased against him for certain extraneous reasons. It is stated

that there are certain underlying reason as to why the Supervisor did not get well with the petitioner in furtherance of the Ph.D. course. In a proceeding under Article 226, we do not have the means to make an appropriate determination on the allegations objections and counter allegations that are being put forth before the Court but by the earlier order dated 05.12.2023 we required the petitioner to allow the Court to examine as to what progress he had done in the course of his Ph.D. study and accordingly, certain materials have been produced. Although the Court is not competent to examine or understand such materials but by looking at the bulk of the materials that have been produced, it cannot be said that the petitioner had not done anything at all. It is also stated that certain difference of views also crept in, considering the nature of the topic that the petitioner had chosen, which may not have gone well with many persons.

8. In the circumstance, we are of the view that it is a situation where it is not possible to give a definite conclusion as to whether is the petitioner who had not done sufficient work in his Ph.D. course which warranted a cancellation of his registration or it was because of the approach of the respondent University towards the petitioner which had prohibited him from progressing and resulting in the cancellation.

9. We have been told that the Assam University also has a campus at Diphu in the Karbi Anglong district of Assam. As an equitable measure, we are of the view that without arriving at a conclusion as regards the earlier attempt of the petitioner to do the Ph.D. course in the aforesaid subject in the Assam University in Silchar campus, the ends of justice would be met if the petitioner is allowed to make a fresh application for registration in a Ph.D. course in the Diphu campus of the Assam University and in the event such application is

made, it be given its due consideration.

10. As we have not conclusively determined as regards the allegations objections and counter allegation raised as regards the earlier state of the Ph.D. course of the petitioner, we also provide that his earlier cancellation shall not be treated to be stigmatic in any manner prohibiting the petitioner to pursue any further Ph.D. course. Accordingly, if any such application is made, the same should be given its due consideration and the Vice Chancellor of the University is requested to personally look into the matter to ensure that the student career of the petitioner is not spoiled for any reason and he be allowed to pursue his study.

11. As some of the professors in the department where the petitioner had undertaken the earlier Ph.D. course have certain issues, accordingly we provide that the petitioner may be allowed to pursue study in the Diphu campus and all the earlier officials shall not be allowed to intervene with the Ph.D. course of the petitioner in the Diphu campus where he may be admitted and the course shall be done exclusively through the departmental officials available in the Diphu campus. In doing so, if it is a case of a fresh admission the University authorities shall also take note of the preceding circumstances and if there is any issue of any overage, the same may be suitably condoned or else it may also be explored as to whether the earlier registration of the petitioner can be revived by withdrawing the order of cancellation and transfer him to the Diphu campus.

12. The order is passed entirely on the principle of equity without determining the respective rights and counter claims made by the authorities.

13. The due consideration by the Vice Chancellor of the Assam University be

done within a period of two months from the date of any fresh application being submitted by the petitioner along with the certified copy of this order.

Writ petition stands disposed of in the above terms.

JUDGE

Comparing Assistant