

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.3715 OF 2015.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.S.Deshmukh, advocate for the petitioner.

Mr.P.G.Rodge, advocate for Respondent No.1.

**CORAM : S.V.GANGAPURWALA &
V.K.JADHAV, JJ.**

Date : 17.08.2015.

PER COURT :

1. Heard.

2. Mr.Deshmukh, learned counsel submits that the petitioner initially had registered herself for the Ph.D course as a regular candidate in January 2007. In June 2008, while prosecuting the Ph.D course, the petitioner came to be appointed as Assistant Professor by the Respondent-University. By that time, the petitioner had completed three semesters of Ph.D. The petitioner was given condonation of break in studies in November 2013. The petitioner completed necessary curriculum and submitted the revised Outline Research Work (ORW). On 21.4.2014, the issue of grant of study leave as per the request of the petitioner was recommended by the Associate Dean and was placed before the

Grievance Committee. It was communicated vide letter dated 21.4.2014 that petitioner shall apply for leave without pay for completing (ORW) and Ph.D. Thesis. The petitioner submitted thesis on 18.7.2014 and was also submitted for evaluation. However, Resolution came to be passed by the Respondent University in January/February 2015 being Resolution No.12/2015, thereby resolving not to accept the Ph.D. Thesis of the petitioner and to initiate Disciplinary action. According to the learned counsel, even revised (ORW) was submitted, the same was sanctioned. However, only on the ground that leave without pay was not applied, the Resolution is passed not to accept the Thesis submitted by the petitioner. The learned counsel submits that even the Resolution to initiate Disciplinary action is illegal.

3. Mr.Rodge, learned counsel for the University submits that the petitioner is taking undue advantage of the sympathetic approach shown to her i.e. by condoning break in studies. As per rule, the study leave is granted to inservice candidates only. The petitioner is registered for Ph.D. Course as a regular candidate, as such her proposal for grant of study leave for remaining part of Ph.D. Degree programme can not be considered. The learned counsel submits that even the letter dated 21.4.2014 was not complied and the petitioner has worked on anticipation that revised (ORW) would be approved. The petitioner was duty bound to take

leave without pay to complete Ph.D. Research work as per revised (ORW). The petitioner has failed to do so.

4. We have considered the submissions canvassed by the learned counsel for respective parties.

5. As far as the aspect of the petitioner, not availing/applying for leave without pay is concerned, the same is another aspect altogether. We are entertaining the present petition to the extent of non-acceptance of Ph.D. Thesis. The factual matrix that the petitioner has registered as a regular student for the Ph.D. Course and after completion of three semesters, was appointed by the Respondent-University as Assistant Professor and thereafter, continued with the Ph.D. Course is undisputed. It is also undisputed that the petitioner was sanctioned condonation of break in studies by the Respondent-University. The decision about the Grievance Committee dated 29.1.2014 was communicated to the petitioner for the first time vide letter dated 21.4.2014. No reason is forthcoming as to why the decision of the Grievance Committee dated 29.1.2014 was not communicated to the petitioner immediately. Be that as it may, in the affidavit-in-reply, it is admitted by the Respondents that the revised (ORW) was sent and was approved. Following averments are made in affidavit-in-reply.

“I say that the revised ORW was sent to the Chairman, Board of Studies, Veterinary Pharmacology and Toxicology of the

University for verification. After verification of the revised ORW by the Chairman of Board of Studies of Instruction & Dean (Vet.) approved the ORW on 17.5.2014.”

This would show that the revised ORW was approved by the authority of the University. The case of the Respondent appears to be that the petitioner has acted in anticipation. Which provisions of the Academic Regulations have been violated are not detailed.

6. The reasons given for not accepting thesis does not appear to be reasonable. The thesis is submitted is not a disputed fact. Whether the thesis deserves merit of being awarded Ph.D. Degree is another aspect at all which the expert would decide upon the same.

7. Considering the above, we direct the Respondents to consider the Ph.D. Thesis submitted by the petitioner on its own merits.

8. As far as other aspect is concerned with regard to the petitioner not availing leave without pay and the aspect of Disciplinary Inquiry, the petitioner may take such other recourse as may be permissible in law or represent the authorities in that regard.

9. The Writ Petition is accordingly disposed of. No costs.

(V . K . JADHAV , J .)

(S . V . GANGAPURWALA , J .)

Dt.17.08.2015.
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