

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.245 OF 2014

Anil Rangnath Bankar & anr. ... Petitioners

Vs.

State of Maharashtra & anr. ... Respondents

Mr.Mahesh Vishwakarma with Harsha Vaid i/b Ms.Rachana Jadhav for the
Petitioners

Mrs.Sushma Bhende, AGP, for Respondent No.1

CORAM: **SMT. VASANTI A. NAIK &
SHRI C.V. BHADANG, JJ.**

DATE: **6th JANUARY, 2015**

PC.:

By this petition, the petitioners challenge the notification dated 20.3.2013 debarring the petitioner No.1 from the Ph.D. programme for a period of 5 years. The petitioners also challenge the notification dated 22.3.2013 restraining the petitioner No.2 from working as a guide for future research.

The petitioner No.1 had applied for Ph.D programme in the year 2006 and in furtherance of the said programme, had submitted a thesis titled 'A history of educational progress of Scheduled Tribes in Thane District (1947-2000)'. The respondent – University received a complaint in regard to the copying of the thesis by the petitioner No.1 from the thesis of

one Mr.Mahendra Nashirkar. A committee was constituted by the respondent – University and the committee found on a perusal of the thesis submitted by Mr.Nashirkar and the petitioners that the petitioner No.1 had copied certain material from the thesis of Mr.Nashirkar and included the same in the thesis submitted by him. An allegation of plagiarism was levelled against the petitioner No.1 and after the committee submitted a report in respect of the same, the petitioner No.1 was granted an opportunity to submit his reply. The petitioner No.1 submitted the reply and by the impugned order dated 20.3.2013, the University barred the petitioner No.1 from the Ph.D. programme for a period of 5 years. The petitioner No.2, the guide of the petitioner No.1, was restrained by an order dated 22.3.2013 from acting as a guide in future as, according to the respondent – University, the petitioner No.2 was negligent in performing his duties as a guide. The petitioners have impugned the orders in the instant petition.

On hearing the learned Counsel for the petitioners, it appears that the relief sought by the petitioners cannot be granted. It appears from a report of the 6-member committee constituted by the respondent – university that the petitioner No.1 had lifted certain portions from the thesis of Mr.Nashirkar and had incorporated the same in his thesis. It appears from the documents tendered by the learned Counsel for the

petitioners in the Court today that the committee had prepared a report on the plagiarism by the petitioner No.1 and had prepared a comparative chart to show the exact portions copied by the petitioner No.1 from the thesis of Mr.Nashirkar. The comparative chart gives the relevant pages in the thesis of Mr.Nashirkar that were copied by the petitioner No.1 in his thesis. Also, it appears from the reply filed by the petitioner No.1 to the notice that the petitioner No.1 had admitted on internal page 5 of the reply that the petitioner No.1 had used the material incorporated in the thesis of Mr.Nashirkar in his thesis. The petitioner No.1 also admitted in the last paragraph of the reply that being a student, some mistakes were committed by the petitioner No.1 and an opportunity to mend his ways should be given to him. It is thus, clear from the report of the committee and the reply of the petitioner No.1 that the Respondent-University was justified in debarring the petitioner No.1 from the Ph.D programme for 5 years and restraining the petitioner No.2 from acting as a guide as he has been negligent in performing his duties as a guide. We find nothing wrong in the decision of the committee in not accepting the case of the petitioners that the petitioner No.1 had not copied the thesis of Mr.Nashirkar but had incorporated the material by way of review of literature for evaluating the same. This Court cannot sit in appeal over the decision of the committee in exercise of its writ jurisdiction.

In the result, the writ petition fails and is dismissed with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)