

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.11244 of 2015

and

M.P.No.1 of 2015

K.P.Karupannan

... Petitioner

- Vs -

1. Anna University,
Rep. by its Vice Chancellor,
Chennai - 600 025.
2. The Director,
Centre for Research,
Anna University, Chennai - 600 025.
3. The Regional Director - Research,
Centre for Research,
Anna University Coimbatore,
Academic Campus, Jothipuram Post,
Coimbatore - 641 047.

... Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records from the 2nd respondent relating to the proceedings dated 06.04.2015 bearing ref. procs.No.7072123109/Ph.D/AR2 and quash the same as illegal, arbitrary and contrary to the recommendations of the Doctoral Committee dated 13.12.2014 and consequently direct the respondents to permit the petitioner to complete the Ph.D as per the recommendations of the Doctoral Committee dated 13.12.2014 by accepting the fees sent by the petitioner through Speed Post.

For Petitioner : Mr.K.Srinivasa Murthy,
for M/s.Row and Reddy

For Respondents : Mr.M.Vijayakumar

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner is doing Ph.D programme (part-time) under the faculty of Automation and Robotics and the duration of Ph.D programme is six years, extendable for a further period of two years. It is the case of the petitioner that he could commence the Ph.D programme only after the third respondent constitutes the Doctoral Committee and unfortunately the third respondent took two years to constitute the said Committee and only on 23.07.2009, it came to be constituted. The petitioner would state that the first Doctoral Committee met on 03.08.2009 and recommended four course work post graduate theory papers and he was asked to pay fees for II to V semesters and he has paid the same on 10.08.2009. He has also passed the course work examination conducted in January 2010 and he was awarded Excellent grade. The third respondent by proceedings dated 20.01.2011 confirmed his provisional registration to do Ph.D. Programme.

3. It is his specific case that though the petitioner was given admission in July, 2007 he could commence research work only after the constitution of the Doctoral Committee and in the process lost two years. The Doctoral Committee by proceedings dated 13.12.2014 has made positive recommendation to the second respondent to permit him to complete the work on or before 31.01.2017 and adjust the fees paid by him for 2007 to 2009 towards the same.

4. It is further stated by the petitioner that to his shock and surprise, the second respondent has issued the impugned proceedings dated 06.04.2015, calling upon the petitioner to submit his explanation for non payment of dues of fees duly signed by the supervisor and HoD and in any case on or before 15.04.2015 and continue his research. It has been further intimated that if the fee is not paid before the above said period, the registration of the petitioner shall be cancelled automatically without any further intimation and the petitioner cannot claim for continuation of his Ph.D. programme.

5. Mr.K.Srinivasa Murthy, learned counsel appearing for the petitioner would submit that the said communication was served through the guide of the petitioner only on 11.04.2015 and from him he received only on 12.04.2015 and though he made very many attempts to open the website for on-line payment, he could not do so. He would further submit that the impugned proceedings not even referred to the positive recommendations made by the Doctoral Committee in its meeting held on 13.12.2014 and prays for intervention.

6. Per contra, Mr.Vijayakumar, learned standing counsel for the respondents would contend that admittedly the petitioner has received the impugned communication on 12.04.2015 and three clear days were available for him and therefore the plea taken by him that there was some difficulty in opening the website and he could not make the payment on-line cannot be sustained and prays for dismissal of the writ petition.

7. This Court has considered the rival submissions and also perused the materials placed before this Court.

8. Admittedly, the Doctoral Committee in its meeting held on 13.12.2014 reviewed the work done by the petitioner and found that the petitioner has to do few more experiments, interpretation of results and publication in journals. The Doctoral Committee took note of the fact that the petitioner was unable to carry out his research work from 26.07.2007 to 23.07.2009 for a period of two years as Doctoral Committee was not constituted by the Director of Anna University, Coimbatore the second respondent herein and therefore recommended extension of time to complete the work before 31.01.2017.

9. As rightly pointed out by the learned counsel for the petitioner in the impugned proceedings dated 06.04.2015, the above said recommendation has not been taken into account. The reason pleaded by the petitioner that since he could not able to open the website he was unable to make the payment on-line, in my considered view appears to be tenable. This Court also taken note of the averment that only because of his best performance, provisional registration to Ph.D. programme was given and for no fault of him he has lost two years on account of delay in constituting the Doctoral Committee. It is pertinent to point out, at this juncture, that the petitioner after receipt of the impugned communication sent representation dated 12.04.2015 to the second respondent stating the reason for delay in payment and also enclosed the Demand Draft drawn from the State Bank of India bearing No.774338 dated 15.04.2015 towards semester fees. सत्यमेव जयते

10. In the light of the above facts and circumstances, this Court is of the view that the impugned order passed by the second respondents warrants interference.

11. In the result, the writ petition is allowed and the second respondent is directed to accept the above said Demand Draft and also take into account the recommendations made by the Doctoral Committee in its meeting held on 13.12.2014 and permit the petitioner to

continue his Doctoral programme till 31.01.2017 subject to the fulfilment of the required guidelines / rules. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kk

To

1. The Vice Chancellor,
Anna University,
Chennai - 600 025.
2. The Director,
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Anna University, Chennai - 600 025.
3. The Regional Director - Research,
Centre for Research,
Anna University Coimbatore,
Academic Campus, Jothipuram Post,
Coimbatore - 641 047.

+1cc to Mr.Row & Reddy, Advocate, S.R.No.21351

+1cc to Mr.M.VijayaKumar, Advocate, S.R.No.21095

W.P.No.11244 of 2015
and
M.P.No.1 of 2015

EV(CO)
CA(13/05/2015)

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