

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 09.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.9370 of 2015

and

M.P.Nos.1 to 3 of 2015

Dr.P.Stanely Mainzen Prince

.. Petitioner

Versus

1 The Registrar
Annamalai University Annamalai Nagar
Cuddalore District 608002

2 The Controller of Examinations
Annamalai University Annamalai Nagar
Cuddalore District 608002

3 The Dean
Faculty of Science Annamalai University
Annamalai Nagar Cuddalore District 608002

4 The Professor and Head
Dept. of Biochemistry & Biotechnology
Research Director Annamalai University
Annamalai Nagar Cuddalore District 608002

5 Dr.P.Selvaraj Asst. Professor
Dept. of Biochemistry & Biotechnology
Annamalai University Annamalai Nagar
Cuddalore District 608002

6 M.F.Nagoor Meeran

7 G.S.Jagadeesh

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents 1 to 4 to award Ph.D degree to the 6th and 7th respondents after completion of two years from change of supervisor with new Research Topic as per rules 13.2.2 of Annamalai University.

For Petitioner : Mr.M.A.R.Pragash

For Respondents : Mr.R.Suresh Kumar (for R1 to R4)

No appearance (for R5)

Mr.Srinath Sridevan (for R6 & R7)

O R D E R

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

2. The petitioner claims that he is working as an Assistant Professor in the department of Bio-Chemistry and Bio-technology, Annamalai University, Annamalai Nagar, Cuddalore District. He has completed his Doctorate (Ph.D.) in Bio-Chemistry in the department of Bio-Chemistry, Annamalai University in the year 1990 and joined as a lecturer in the very same department on 03.07.2000. The petitioner would further claim that he has successfully guided 8 Ph.D., students 43 M.Phil., students and published 95 research publications and some of it were also published in international and national journals. The petitioner was also a honorary Secretary of Society of Biological Chemists (India), Indian Institute of Science, Bangalore for the last three years and also organised five national conferences in the Department of Bio-Chemistry and Bio-Technology and also a Doctoral Committee member of SASTRA University, Tanjore.

3. It is stated by the petitioner that respondents 6 and 7 were perusing their Ph.D., programme under his supervision on and from 10.11.2010 and 18.11.2010, respectively and since they did not complete the research successfully, he instructed them to perform some more experiments to complete their research, however, they had failed to do so. The petitioner would state that the respondents 6 & 7 forced him to complete the Ph.D., thesis according to their own whims and fancies and also chose to make false and untenable allegations against him and all of a sudden changed the research supervisor and the 5th respondent became their new guide.

4. It is the specific case of the petitioner that as per Clause 13.2.2 of Annamalai University Ph.D., programme Prospectus 2014-15, when the change of supervisor is approved, the candidate shall work for a minimum of two years with the new Supervisor provided he / she fulfills the attendance requirements. The candidate shall change the research topic on re-registration with a new supervisor.

5. It is the specific case of the petitioner that the respondents 6 and 7 have worked between 27.06.2014 and 30.07.2014 after the change of guide and both of them have submitted their Ph.D., thesis and they have not done any research work under the guidance of 5th respondent, who became their guide from 26.06.2014. The petitioner has also invoked the provisions of RTI and written a letter to the 1st respondent seeking information as to the progress of respondents 6 and 7 with new guide, especially to the effect, whether they changed topics after they accepted the 5th respondent as their guide and the reply sent by the 1st respondent would indicate that they

have not changed their topics in compliance of the above said Clause No.13.2.2 and hence, came forward to file this writ petition.

6. Learned counsel for the petitioner has drawn the attention of this Court to the affidavit filed in support of this writ petition as well as to the prospectus and would submit that in terms of Clause No.13.2.2, a candidate shall change the research topic on registration with the new supervisor and he shall also work for a minimum of two years with the new Supervisor, but in the case on hand, both requirements have not been fulfilled by respondents 6 and 7 and hence, prays for allowing the writ petition.

7. Per contra, Mr.R.Sureshkumar, learned counsel appearing for the respondents 1 to 4, has invited the attention of this Court to the counter affidavit filed by the 1st respondent and he would submit that on an earlier occasion, the petitioner made a challenge to the change of guide by filing W.P.No.24177 of 2014 and prayed for stay of the operation of the order by filing a Miscellaneous Petition and vide order dated 05.09.2014, this Court has dismissed the stay petition and the petitioner has deliberately suppressed the filing of the writ petition and dismissal of the application for stay.

8. The learned counsel for respondents 1 to 4, on the merits of the case would contend that respondents 6 & 7 were admitted for the Ph.D., programme during Academic Year 2010-11 under the guidance of the petitioner herein and after having completed their research work, they were ready to submit their thesis papers, during the year 2014 and at that time, they faced untold miseries and grave hardship from the petitioner and hence, they have lodged two written complaints separately to the University and taking into consideration the seriousness of the allegation levelled against the petitioner, the university administration, appointed a three member enquiry committee and the said committee made the following recommendations, which is extracted in the counter affidavit.

Recommendations:

The committee after a close scrutiny of their statements and cross examination found that the charges levelled by the students against their guide are found to be true.

Also, it is observed that the guide is even punished for his misconduct and deeds in earlier days. From the past history it is also evidenced that the Research Scholar who have completed the degree under his guidance, had a bitter experience in a same fashion.

Committee opines

1. The two students Mr.N.F.Nagoor Meeran and Mr.G.S.Jagadeesh may be allowed to change their guide as per their wish subject to the usual regulations of the University.
2. A suitable action may be initiated against the guide as per the rules of the University.

9. The learned counsel appearing for respondents 1 to 4 has invited the attention of this Court to the various paragraphs in the counter affidavit and would submit that the said recommendations of the committee, based on the complaints given by respondents 6 & 7, were placed before the University Syndicate and as per the University's Act, and the statutes made thereunder, the Syndicate is empowered to take a decision and accordingly, the Syndicate in its resolution No.4 dated 08.05.2014, resolved to permit the respondents 6 and 7 to change their guide for submission of their Ph.D., thesis and to complete their Ph.D., programme and based on the resolution, the Administrator of the University has passed an order and in pursuance to it, respondents 6 and 7 were directed to submit their request for change of guide and accordingly, they submitted their requests for change of guide on 28.04.2014 and the University by taking into consideration the syndicate resolution, has passed an order dated 27.06.2014 permitting the respondents 6 and 7 to change their guide from the writ petitioner to the 5th respondent and in fact the respondents 6 and 7 had completed their Ph.D., programme in entirety and the thesis prepared by them have been submitted for evaluation on 31.07.2014 and 26.08.2014 respectively and they are awaiting for viva-voce examination and at this juncture, the petitioner has filed this writ petition.

10. Learned counsel appearing for the respondents 1 to 4, on the plea taken by the petitioner that while changing the guide clause No.13.2.2 has been violated, would submit that the said clause came into being during the year 2014 to curb the practice of change of guide, according to their own willingness without any specific reasons and the said procedure indicated in the prospectus need not be followed mandatorily in case of serious complaint made against the guide and in the case on hand, the same is proved to be corrected after due enquiry, which resulted in the resolution passed by the Syndicate. Moreover, if the research work of the student concerned is very earlier or nascent stage, without showing any considerable progress in the research in a particular topic selected for, then certainly the two year rule can be applied. In case if the research scholar after having considerable years of research and completed the research work and is ready with thesis, the said rule would have no application and taking into consideration the overall facts and circumstances under which the change of guide

was permitted for respondents 6 and 7, they cannot be faulted with.

11. In the counter affidavit, it is also alleged that during the year 2005, the writ petitioner was caught red-handed while threatening and harassing students of Zoology, by the then Professor, Head and Dean, Dr.L.S.Ranganathan and after enquiry, the petitioner was suspended on 25.08.2005 and subsequently, he was reinstated on 12.10.2005. Despite the suspension and reinstatement, he continued to harass the students in the department and on earlier occasions also number of students who are similarly placed that of respondents 6 and 7, have lodged complaints against the petitioner and therefore the learned counsel for the respondents 1 to 4, has prayed for dismissal of the writ petition.

12. Learned counsel appearing for respondents 6 and 7 has invited the attention of this Court to the counter affidavit and would submit that the petitioner has deliberately suppressed the fact of dismissal of the Miscellaneous Petition in W.P.No.24177 of 2014 and the petitioner is reportedly harassing and inflicted untold hardship and sufferings on them and in fact on one occasion, he has also called the 6th respondent as a terrorist and unable to bear with the torture only the respondents 6 and 7, have lodged the written complaints against the petitioner, based on which, the Syndicate has conducted the enquiry and passed resolution permitting them to change the guide and hence, it cannot be found fault with and prays for dismissal of the writ petition.

13. Learned counsel appearing for the petitioner in response to the said submission would submit that W.P.No.24177 of 2014 has nothing to do with the present writ petition for the reason that earlier the change of guide was put to challenge and in the case on hand, without complying with the conditions of the prospectus attempts are being made to award Doctorate to respondents 6 and 7 and aggrieved by the same only the present writ petition has been filed and prays for appropriate orders.

14. The Court had considered the rival submissions and perused the materials placed before it.

15. The petitioner made a challenge to the change of guide by filing W.P.No.24177 of 2014 and pending disposal of the writ petition, filed the miscellaneous petition for staying the operation of the said order and this Court vide order dated 05.09.2014, has dismissed the miscellaneous petition and the same is extracted hereunder.

"Petition challenge to the order passed by the Registrar permitting the respondents 6 & 7, who are Research Scholars, to have a change of guide, the petitioner seeks an interim stay of the impugned order. The petitioner was formerly a guide of the respondents 6

& 7. If the respondents 6 and 7 themselves want a change of guide, the petitioner can hardly oppose. Therefore, there cannot be any interim stay in such cases.

2. Hence, this petition is dismissed."

16. A perusal of the affidavit filed in support of this writ petition would disclose the fact that the fact of filing of W.P.No.24177 of 2014 and dismissal of the Miscellaneous Petition for stay has been totally suppressed. It is also pertinent to point out at this juncture that the learned counsel who has appeared for the writ petitioner has also filed the above said writ petition also and in all fairness the fact of dismissal of the stay petition should have been disclosed in the present writ petition and unfortunately, it has not been done. The writ petitioner is not a rustic person and according to him, he has completed his Doctorate during the year 1999 and claims to have written very much articles, which are also published in international and national magazines and unfortunately the petitioner has deliberately suppressed the said fact and he deserves condemnation for the said act.

17. This Court has also considered the submissions made by the respective learned counsel appearing for the parties on the merits of the case.

18. It is the specific stand of respondents 1 to 4 in their counter affidavit that after receipt of the written complaints, the University Administration took a decision to appoint a three member enquiry committee, before whom, placed the complaints of respondents 6 and 7 and the committee has made a positive recommendation, which was also placed before the University Syndicate, as it is empowered to take a decision and the syndicate in its resolution No.4 dated 08.05.2014 has resolved to permit the respondents 6 and 7 to change their guide for submission of Ph.D., thesis and completing their Ph.D., programme and based on the resolution only, the then Administrator has passed the order dated 27.06.2014, in pursuance to which, respondents 6 and 7 were directed to submit their request for change of guide and accordingly, they submitted the request and taking into consideration the request, permission to change their guide was accorded and the 5th respondent has become their new guide. It is also pointed out in the said counter that the respondents 6 and 7 had completed their Ph.D., programme in entirety and it was submitted for valuation on 31.07.2014 and 26.08.2014 and waiting for viva-voce examination

19. In so far as the primordial plea taken by the learned counsel for the petitioner that Clause No.13.2.2 of the prospectus has been given a go-by, it is the categorical stand of the respondents 1 to 4 that it is not a mandatory requirement and is applicable only in case of the scholars who want to change their guide on their own and in the case on hand, based on the complaints only, it was enquired through internal

mechanism and on the basis of the syndicate resolution only the respondents 6 and 7 were permitted to change their guide. Therefore, this court is of the view that the legal plea taken by the petitioner is also unsustainable.

20. This Court while entertaining this writ petition has granted interim order dated 31.03.2015 restraining the respondents 1 to 4 from conducting viva-voce for respondents 6 and 7, until further orders. Consequently, the respondents 6 and 7 are not in a position to participate in viva-voce, though, they have submitted their thesis.

21. This Court on scanning through the entire materials and on a careful consideration of the rival submission and the materials placed before it, is of the considered view that the writ petition lacks merit and substance and it deserves dismissal with the cost of Rs.20,000/- [Rupees Twenty Thousand only]. It should be payable by the petitioner to respondents 6 and 7 at the rate of Rs.10,000/- [Rupees Ten Thousand only] each within a period of six weeks from the date of receipt of a copy of this order. Interim order granted on 31.03.2015 in M.P.No.1 of 2015 in W.P.No.9370 of 2015 is vacated and M.P.No.1 of 2015 is dismissed. The vacate stay petitions in M.P.Nos. 2 of 2015, and 3 of 2015 are ordered.

22. List the writ petition for compliance on 27.08.2015.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

- 1 The Registrar
Annamalai University Annamalai Nagar
Cuddalore District 608002
- 2 The Controller of Examinations
Annamalai University Annamalai Nagar
Cuddalore District 608002
- 3 The Dean
Faculty of Science Annamalai University
Annamalai Nagar Cuddalore District 608002

4 Professor and head,
dept. of Biochemistry & Biotechnology
Research Director Annamalai University,
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+1cc to Mr. M.A.R. Pragash, Advocate, Sr. 34889
+1cc to Mr.R.Suresh Kumar, Advocate, Sr. 34496
+1 cc to Mr. Srinath sridevan Advocate sr. 34651

copy to

The section officer, write section High court, madras-104.

W.P.No.9370 of 2015

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srg 23.07



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