

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.9461 of 2015(O&M)
Decided on : 18.12.2015**

Aman Kataria

... Petitioner

Versus

Thapar University & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr.Hemender Goswami, Advocate,
for the petitioner.

Mr.Vikas Mohan Gupta, Advocate,
for respondents No.1 to 3.

G.S. Sandhawalia , J. (Oral)

Challenge in the present writ petition is to the decision dated 22.09.2014 (Annexure P5) wherein the request to allow Dr.Vinod Karar (Sr.Principal Scientist, CSIO), to be the co-supervisor, in order to him successfully complete his Degree of Doctorate of Philosophy and complete his research work, has not been acted upon.

The petitioner's admission under Dr.Prasanjit Basak (Faculty of EIED) as Supervisor, was approved and Dr.Smarajit Ghosh was the Chairman of the Committee, who was, thereafter, appointed as a Supervisor of the petitioner on 29.04.2014. The petitioner made a request on 04.09.2014 (Annexure P5) that on account of experimental set up lacking in the respondent-Institute for the specialty in which he was pursuing his Ph.D. Degree, he be allowed the help of Dr.Vinod Karar. An objection was raised that permission had not been taken from the appointing authority or the

head of the department to confirm that Shri Vinod Karar could be appointed as a Supervisory though through letter dated 04.09.2014, he had consented to supervise the experimental work. It was, however, admitted by the University that the student could approach to carry out the experiment with the Central Scientific Instruments Organization (CSIO), without the appointment of the said Supervisor.

On the last date of hearing, i.e., on 03.12.2015, counsel for the petitioner had pointed out that the CSIO had agreed in principle to allow Dr.Vinod Karar to supervise him but a formal letter was to be received from the respondent-University. Today, letter dated 01.12.2015, by the Director of the CSIO has been placed on record as Annexure A.

It is the grouse of the petitioner that the experimental set up for pursuing his research in Ph.D is not available with the respondent-University. That the required experimental set up is available only with the CSIO, since he is doing his research proposal in 'Development of Artificial Intelligence Based Technique For Minimization of Errors & Response Time in Head Tracking For Head Worn Systems', for pursuing his research and Ph.D. degree.

The factum of the facility not being available with the University and only being available with the CSIO, has not been specifically denied in para No.8 of the written statement. In such circumstances, once the petitioner is pursuing his specialty and to

complete his theses, it would be necessary to have a practical experience with a Institute which has the requisite infrastructure. Merely holding back the request on the ground of technicality, as such, by the University, would, thus, be arbitrary, since no valid justification has been shown that the University could provide the necessary infrastructure. Therefore, falling back on Clause 12 of the UGC guidelines that the allocation could only be decided by the Department, would not be of much help. In case the respondent-Institute had the necessary infrastructure, the petitioner would not have been justified to have claimed the benefit of the Supervisor which he would choose. But in the peculiar facts and circumstances, as noticed above, it would not be appropriate to deny him the said relief.

Accordingly, the present writ petition is allowed. It is directed that the respondent-University shall formally issue the request form for Dr.Vinod Karar to be the petitioner's Supervisor and send it to the Director, CSIO, who would further give his NOC, on account of the communication which has already been received on 01.12.2015. Needful be done within a period of 2 weeks from the receipt of a certified copy of this order.

DECEMBER 18, 2015
sailsh

(G.S. SANDHAWALIA)
JUDGE