

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA No.1727 of 2014 (O & M)
Date of Decision: 17.09.2015

Rana Rohit Appellant

Versus

Maharishi Dayanand University Rohtak
and others Respondents

CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MS. JUSTICE REKHA MITTAL

Present: Mr. Amit Jhanji, Advocate for the appellant.

Mr. Lalit Rishi, Advocate for respondents No.1 to 4.

S.S. SARON, J.

CM No.2911-LPA of 2015

Rejoinder of the appellant to the written statement filed by respondents No.1 to 4 along with photocopies of Annexures A-5 and A-6 (colly.) are taken on record subject to just exceptions.

Civil miscellaneous application stands disposed of.

LPA No.1727 of 2014

This letter patents appeal has been filed by the appellant against the judgment and order dated 28.10.2013 passed by the learned Single Judge in CWP No.23634 of 2013.

Along with the appeal CM No.3689-LPA of 2014 has been filed seeking condonation of 317 days' delay in filing the appeal.

The appellant registered himself in PhD Economics Programme on 14.12.2006 under Professor Santosh Nandal, Supervisor, Department of Economics (respondent No.5). The duration of the Phd programme was for four years, which was to

terminate on 14.12.2010. The appellant did not complete his Phd in the prescribed four years period and the respondent No.1- Maharishi Dayanand University, Rohtak (MDU - for short) cancelled his registration on 13.12.2010 by invoking clause 13.5 of the MDU Ordinance, which reads as under:-

“13.5 Every candidate shall submit his/her thesis within a period of four years from the date of his/her registration, failing which his/her registration shall stand cancelled automatically unless this period is extended by a maximum of two years by the Vice-Chancellor but not more than one year at a time, on the recommendations of the Supervisor and the Head of the Department concerned through the Dean of the Faculty.”

A perusal of the above shows that every candidate is required to submit his thesis within four years from the date of his registration, failing which the registration stands automatically cancelled unless the period is extended by a maximum of two years by the Vice-Chancellor of the MDU but not more than one year at a time, on the recommendations of the Supervisor and the Head of the Department concerned through the Dean of the Faculty.

As already noticed, the appellant was registered for PhD Programme on 14.12.2010 and he was required to submit his thesis by 13.12.2010 before the expiry of four years.

Learned counsel for the appellant has, however, made

a reference to the information that the appellant has received under the Right to Information Act, in which several candidates were granted extension for completion of thesis. He has placed on record a list of as many as 73 candidates, whose initial period of four years for submitting the thesis was extended.

A perusal of the said list shows that even though the applications for extension in most of the cases were filed after expiry of four years' period but the extension of one year or six months as the case may be was given from the date of expiry of four years. Therefore, it appears that the extension of one year or six months, which was given was only for the purpose to enable the candidates to submit their thesis or to complete the other requirements and formalities in respect of thesis that may have been submitted within that period. The appellant has not submitted his thesis till date. According to the learned counsel appearing for the appellant the thesis of the appellant are complete and are only to be submitted.

The writ petition before the learned Single Judge was dismissed in limine and in appeal when notice of motion was issued, the respondent filed their written statement to the writ petition by which it has also been brought out that the appellant is said to have used some obscene words on the mobile number of his guide and FIR No.186 dated 16.05.2013 stands registered against him at Police Station Urban Estate, Rohtak for the offences under Sections 294, 506, 509, 354-D of the Indian Penal Code. Charges in the said case have been framed against him by

the learned Judicial Magistrate Ist Class, Rohtak on 17.09.2013.

The trial in the case is going on.

In any case, it may be noticed that the requirement of Rule 13.5 of the MDU Ordinance provides that extension can be granted for one year at a time on the recommendations of the Supervisor and the Head of the Department concerned through the Dean of the Faculty. In the position that the appellant has placed himself, it is quite unlikely that his Supervisor would recommend the grant of extension by one year. It may also be noticed that the extension, which has been given is for a period of one year from the date of expiry of the initial period of four years. The period of completing thesis insofar as the appellant is concerned expired on 13.12.2010 and, therefore, even if extension for a period of two years is given even then the extended period would have expired. The appeal itself has been filed after 317 days' delay.

Learned counsel for the appellant submitted that the time was consumed in obtaining information under the Right to Information Act; besides, time was consumed due to illness of father of the appellant, who subsequently expired.

Be that as it may, we are even otherwise unable to find any merit in the appeal as in view of the fact that the extended period of two years from the initial period of four years for completing the PhD Programme on 13.12.2010 would also expire from the said date of expiry of initial period. It is not shown by learned counsel for the appellant as to whether

extension has been granted from the date subsequent to the initial expiry date for submission of thesis.

In the circumstances, we find no merit in the appeal and the same is accordingly dismissed.

The question regarding delay in filing the appeal is only academic and, therefore, the same is also dismissed.

(S. S. SARON)
JUDGE

(REKHA MITTAL)
JUDGE

17.09.2015
A.Kaundal