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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 6630/2015

MONIKA YADAV

..... Petitioner

Through: Mr. Alok Singh and Mr. Pradeep K.
Yadav, Advs.

Versus

UNIVERSITY GRANT COMMISSION & ORS Respondents

Through: Mr. A.C. Bosipatro, Adv. for Mr.
Apoorv Kurup, Adv. for R-1/UGC.
Mr. Saurabh Banerjee, Adv. for R-2
to 6.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

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20.08.2015

1. The petitioner imputes *mala fides* to the respondents No.2 to 6 University of Delhi in refusing admission to her to the Doctor of Philosophy (Ph.D.) in Sanskrit Programme, in the last as well as this academic year.
2. The petition came up first before this Court on 14th July, 2015 when the counsel for the respondents No.2 to 6 University, appearing on advance notice, was asked to produce the records of the process adopted for admission in the said two years of all the candidates including the petitioner. On perusal of the said records, on 28th July, 2015, it was *prima facie* found that there was no merit in the allegations of the petitioner of *mala fide* and rather it was found that the petitioner had been denied admission after due consideration. However, a counter affidavit was deemed necessary, which

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has been filed and to which a rejoinder has been filed by the petitioner. The counsels have been heard.

3. The counsel for the petitioner has drawn attention to the documents filed by the respondents No.2 to 6 University alongwith their counter affidavit, containing the minutes of the Department Research Committee (DRC) constituted to consider the proposals submitted for admission to the Ph.D. Programme. It is contended on the basis thereof that while the other aspirants for admission, in the admission process of the year 2014, were given an opportunity to submit synopsis of their proposed thesis afresh, after consulting their respective supervisors, the synopsis of the proposed thesis submitted by the petitioner was not accepted and no opportunity, as given to others was given to the petitioner to submit the synopsis afresh. Similarly, from the documents of the admission process of the year 2015 it is contended that while two of the other aspirants for admission were given opportunity to correct and submit their synopsis again, the synopsis of the proposed thesis of the petitioner was again rejected outright without affording any opportunity as afforded to others to the petitioner.

4. Per contra, the counsel for the respondents No.2 to 6 University has explained that during the aforesaid consideration, (i) synopsis of proposed thesis submitted by some of the aspirants were accepted straightway; (ii) wherever minor corrections / deficiencies were found, opportunity was given to rectify the same; and, (iii) synopsis which were not acceptable were rejected straightway.

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5. I may add that the explanation rendered by the counsel for the respondents no.2 to 6 University is supported from the minutes of the meetings of the DRC referred to by the counsel for the petitioner also. The minutes of the consideration during the admission process for the year 2014 show opportunity for submission of the proposal afresh "with minor changes in the topics of the proposal and chapterise the synopsis according to the topics suggested" having been given. Similarly, in the admission process of the year 2015 also, the opportunity was given only to 'correct' the synopsis.

6. The counsel for the petitioner has next contended that the reason given in the counter affidavit for not accepting the synopsis of the proposed thesis submitted by the petitioner, of other works / thesis existing on the same subject, is also not correct. The counsel in this regard has sought to take me through the two works to contend that the two are different. He has further contended that research on the same topic can be done repeatedly and thesis authored.

7. Per contra, the counsel for the respondents No.2 to 6 University has handed over a comparative chart to show that chapter after chapter of the proposal of the petitioner are identical to another published work, except a change in language.

8. The counsel for the petitioner controverts.

9. I am not an expert to compare the two works, to be able to form an opinion, whether the ground on which the synopsis / proposal of the petitioner has been rejected is correct or not. The same is for the experts in the field and who have found the same to be similar and thus not acceptable.

10. A perusal of the minutes also shows that the DRC which considered the proposals both the times comprised of as many as eight Professors, Assistant Professors, Heads of Department of the University and its Colleges and the only argument of the counsel for the petitioner is that the Guides of the petitioner, though included in the DRC, did not support the petitioner, as they ought to have. It is contended that they, having assisted the petitioner in choosing the topic / subject of the thesis, ought to have supported her in the DRC. It is also stated that one of them is willing to come to the Court to state that the topics chosen by the petitioner are different from the works with which they have been held to be similar / identical.

11. The aforesaid contentions of the petitioner, in my view, would not constitute a ground to hold that the petitioner has been victimised in any manner. Else, there are no allegations of the denial of admission to the petitioner being for extraneous reasons or of the petitioner being victimised. Once the DRC, a body comprising of as many as eight members, has taken a decision on which they are the experts, no inference of *mala fide* can be drawn.

12. All that the arguments of the counsel for the petitioner show is that the petitioner has not been properly guided. The counsel for the respondents No.2 to 6 is requested to arrange for the petitioner to be counselled / guided properly as to the work involved in preparing a synopsis of the thesis on the topic to be chosen by her.

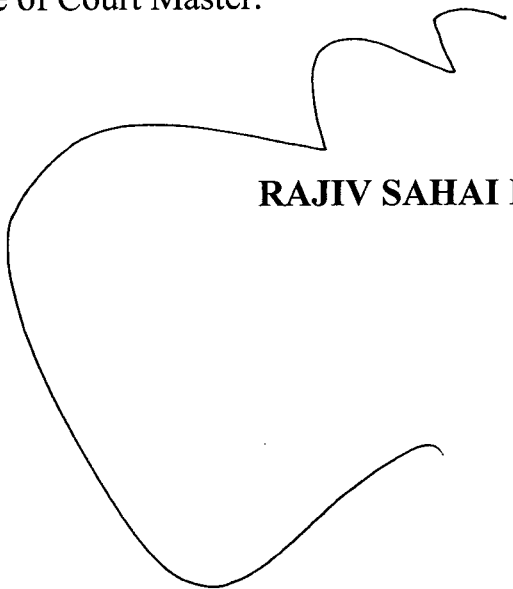
13. The counsel for the petitioner states that the petitioner be also guided on the topic.

14. The respondents No.2 to 6 University to consider whether the petitioner can be guided on the topic or not.

15. Save for the aforesaid observations, the petition is dismissed.

No costs.

Dasti under signature of Court Master.



RAJIV SAHAI ENDLAW, J.

AUGUST 20, 2015

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