

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 1858 of 2015

Miss Pooja Shrivastava, D/o Shri S. K. Shrivastava, Aged About 23 Years B. E. (Civil) M. E. (Transportation) Full Time P H D Scholar Water Resources Engineering, National Institute Of Technology Raipur 492010 Tah & Distt. Raipur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through : Principal Secretary Human Resources Department Secretariat Mahanadi Bhawan Naya Raipur, Raipur- 492010 Tah & Distt Raipur (Chhattisgarh)
2. Director, National Institute Of Technology, G. E. Road Raipur- 492010 Tah & Distt Raipur (Chhattisgarh)
3. Head Of Department (Civil Engineerings) National Institute Of Technology G. E. Road Raipur - 492010 Tah & Distt Durg (Chhattisgarh)

---- Respondents

For Petitioner	:	Shri V.G. Tamaskar, Advocate
For Respondent No.1	:	Shri Chandresh Shrivastava, Panel Lawyer
For Respondents 2 & 3	:	Shri Prateek Sharma, Advocate

S.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/02/2016

Heard.

1. The petitioner has filed this petition for issuance of direction to the respondents to appoint as her Supervisor, Dr. M.K. Verma being the Supervisor of petitioner's preference.
2. The petitioner was provisionally selected for admission in Ph.D. program for

the year 2015-16 vide circular dated 3.8.2015 (Annexure P-1) in the branch of Civil Engineering as Open Category Candidate and Institute Research Full Time Student. The petitioner submitted an application on 9.9.2015 requesting that Dr. M.K. Verma may be appointed as her Supervisor of preference. Though Dr. M.K. Verma had consented for being appointed as Supervisor, the Institute Authority rejected petitioner's request for appointment of Dr. M.K. Verma as Supervisor, on the ground that it is not permissible under the Ordinance as Dr. M.K. Verma has proceeded on deputation to another Institution and not available. Thereafter, number of letters were issued to the petitioner for giving her preference for appointment of Supervisor from amongst eligible academics who may be appointed as Supervisor. The petitioner, aggrieved by this action of the respondent-Institute, has filed this petition for direction as referred to above.

3. Learned counsel for the petitioner argued that there is no impediment under the Ordinance for appointment of Dr. M.K. Verma as Supervisor of the petitioner. The contention of learned counsel for the petitioner is that the student is entitled to a Supervisor as per his/her preference which was duly exercised by the petitioner. It is next contended that the fact that the Supervisor has proceeded on deputation is not an absolute bar that under no circumstances he may be appointed as Supervisor. The argument is that in the cases of four other research candidates namely Mr. Ishtiyak Ahmad, Mr. Manikant Verma, Miss Shobha Namdev and Mr. Ravindra Sharma, the Supervisor Dr. M.K. Verma has been continued as such, for those research scholars despite he having proceeded on deputation. It is also submitted that the very object and purpose of research and the quality of research that may be undertaken by the petitioner would be adversely affected if she is not provided the opportunity to carry on her thesis work under the supervision of Dr. M.K. Verma because the petitioner, though initially applied for the Subject- Soil Structure with Specialization of Transportation Engineering, later on, she exercised her option to change and appeared as research candidate for the Subject- Water Resources Engineering. She appeared in the examination on that very subject and was interviewed also on that subject. Dr. M.K. Verma alone is the expert of the concerned branch of Water Resources Engineering. The other faculty who has been offered to the petitioner does not belong to the

specific and specialized field of Water Resources Engineering though she may be an authority in her own field of specialization. If research Guide as requested by the petitioner is not provided, it may have adverse affect on the quality of research work in which the petitioner has been registered and admitted by the respondent-Institute of Technology.

4. Learned counsel for respondents No. 2 & 3/NIT submit that the requirement of Regulation 7.3 of the Ordinances & Regulations for the Ph.D. Program being that the main Supervisor has to be from the Institute, the respondents rightly expressed their inability to appoint Dr. M.K. Verma as the main Supervisor of the petitioner. He submits that, however, keeping in view paramount consideration of maintaining high standard of research activity undertaken by the petitioner, another Supervisor of high excellence Dr. Meena Murmu has been appointed as petitioner's Supervisor, under whose able guidance the petitioner may continue her research studies. He also submitted that the petitioner cannot seek parity with other research candidates, named herein above, because they are those who prior to Dr. M.K Verma proceeding on deputation, were working under him since couple of years. At the time the petitioner made application for appointment of Supervisor, Dr. M.K. Verma was already sent on deputation. Therefore, in the case of the petitioner, the benefit of Regulation 7.5 clause (A) or clause (B) cannot be granted.
5. The petitioner was selected as research candidate only vide letter dated 3.8.2015. The first application of the petitioner giving her preference for appointment of Dr. M.K. Verma as Supervisor was submitted on 9.9.2015, copy of which has been submitted as Annexure P-3. In the pleadings, it has not been stated anywhere that prior to Dr. M.K. Verma's appointment on deputation, the petitioner had applied and Dr. M.K. Verma was already appointed as her Supervisor. The petitioner has placed on record, copy of office order dated 2.9.2015 of respondent- NIT which shows that Dr. M.K. Verma is sent on deputation to Chhattisgarh Swami Vivekanand Technical University, Bhilai as the Vice Chancellor for a period of 4 years w.e.f. 3.9.2015. This clearly shows that prior to petitioner applying for appointment of Dr. M.K. Verma as her Supervisor, Dr. Verma was already sent on deputation. In such situation, the provision contained in Regulation 7.3 would come in the way of

the petitioner which provides inter alia that the main Supervisor may be from the Institute. The Regulation definitely permits appointment of Joint Supervisor from both inside or outside the Institute. In that view of the matter, it is found that the respondent-Authority had no option but to decline petitioner's request in view of provision contained in Regulation 7.3 because by the time the petitioner submitted her application, Dr. M.K. Verma had already proceeded on deputation.

6. Present is a case where the petitioner in her pursuit in excellence and achieving higher standard of research is desirous of conducting her research under an expert of the subject Dr. M.K. Verma, who is presently not available in the Institute. The petitioner has already been registered as a research candidate in the Institute and as has been stated before this Court by learned counsel for the respondent-NIT, the petitioner is also being paid scholarship. The next circumstance relevant for consideration is that though Dr. Meena Murmu has been offered as Supervisor for the petitioner, according to petitioner, Dr. Murmu is expert and authority in the subject of Structural Engineering and she is not the Supervisor of the same speciality which is possessed by Dr. M.K. Verma in the subject of Water Resources Engineering. If that be so, continuing Dr. Meena Murmu as the main Supervisor cannot be in the best interest of the petitioner, the Institute and larger interest of maintaining highest standard in the field of research work. The object and purpose of research is of working and researching in specialized field. Availability of a Guide/Supervisor having speciality in a particular branch would only provide greater aid to the candidate who is engaged in research work.
7. Taking cumulative view of the aforesaid circumstances, the respondent- NIT may consider the present to be a case of invoking its extraordinary power under Regulation 31, which provide as under:

“R.31 Power to Modify- Notwithstanding all that has been stated above the Senate has right to modify any of the above regulations from time to time with prospective, retrospective or immediate effect.”

8. There should not be any difficulty with the Senate in considering the case of the petitioner because the Regulations itself permits a Supervisor who is outside the Institute, to continue as a Supervisor as has happened in the case of four other research scholars named above. This shows that in appropriate case, a Supervisor who may be on long leave or short leave and impliedly on deputation in the sense that he/she is actually not available in the Institute for that period, yet on appropriate relevant consideration, he may be allowed as Supervisor as has been provided in Regulation 7.5. Therefore, the case of the petitioner can also be considered on the same line keeping in view that it will only advance the interest of the student, Institute and highest standard of the research activity.
9. In the result, respondent No.2 is directed to get the case of the petitioner considered in the appropriate body as per Regulation 31 referred to above for providing to the petitioner, Dr. M.K. Verma as the Supervisor with or without Dr. Seema Murmu as Co-Supervisor.
10. Considering that delay in decision will frustrate the very object of research work, the decision in this regard may be taken by the respondent No.2 and the Senate within a period of 30 days from the date of receipt of copy of this order.
11. The petition is accordingly finally disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge