

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.20204 OF 2014

ORDER:

No representation for the petitioners in the forenoon and afternoon. On 19.04.2016, at request of learned counsel for the petitioners, the writ petition was adjourned to today to get instructions on the categorical assertion of 2nd respondent in the counter dated 11.08.2014. As already noted, in spite of granting time, the petitioners are not represented by their counsel. The petitioners pray for the following relief:

“....issue a writ or order or direction more particularly one in the nature of Writ of mandamus, declaring the action of the Respondent's University in deferring the admission into Ph.D Course in Social Exclusion Department, assigning unacceptable and un-plausible reason, besides being contrary to the stipulations contemplated in the Gazette of India, bearing No. 7, New Delhi, Dt. 11-01-2007, as illegal, arbitrary unconstitutional and violative of Articles 14, 16 and 19 of the Constitution of India, beside the principles of natural justice and consequently direct the Respondents University to admit the Petitioners and other eligible/selected candidates into the Ph.D course in Social Exclusion Studies Department, in the interest of justice...”

The respondents deferred admission of research scholar into Ph.D course in Social Exclusion Department assigning unacceptable and un-plausible reasons. The 2nd respondent filed counter affidavit explaining the procedure followed for admission of research scholars into Ph.D and why the admission of students in Social Exclusion Department could not be undertaken. The operative portion of the counter reads thus:

“ It is submitted that as the University is facing the shortage in Research Supervisor in the Department of Social Exclusion Studies the University has to

necessarily defer the admissions as un-foreseen vacancies fell and the University was having no other alternative except to adhere to the UGC (minimum Standards and Procedure for Awards of M.Phil/Ph.D Degree) Regulations, 2009 and cancel the admissions to Ph.D programme for the current academic year.

It is submitted that there are already excess number of Ph.D. scholars as such there is no room for existing Research Supervisors to take up fresh students.

It is true that the University issued admission notification in the first week of December, 2013 calling for applications from eligible candidates for Ph.D. course and however as the vacancies fell which was unforeseen by the University since the Associate Professor has left with very short notice and that the University could not forcibly stop the faculty from leaving the University as such the allegations levelled by the petitioner that University deferred the admission is illegal, arbitrary and the same is unconstitutional is denied.

It is submitted that in the notification itself the University has categorically stated that the University reserves the right not to offer any of the programmes illustrated therein as such there is no vested interest in the University. This point has been clearly made in the Prospectus also.

It is submitted that the petitioners were informed when they have approached the University categorically stating that Dr. Bhangya Bhukya left the University with a very short notice as such there was no other alternative for the University except to cancel the admissions for this year for the Department of Social Exclusion Studies. The students even after given categorical information that the admissions were cancelled have filed this writ petition.”

In spite of granting time, the petitioners could not and did not satisfy the Court that the reason for deferment of admission is for the

grounds alleged in the writ petition.

I do not see any merit in the writ petition and writ petition fails and accordingly dismissed.

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

Date:20.04.2016
Stp

S.V.BHATT, J