

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.20349 OF 2014

ORDER:

No representation for the petitioner in the forenoon and afternoon. On 19.04.2016, at request of learned counsel for the petitioner, the writ petition was adjourned to today to get instructions on the categorical assertion of 2nd respondent in the counter dated 28.07.2014. As already noted, in spite of granting time, the petitioner is not represented by his counsel. The petitioner prays for the following relief:

“..to 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 withholding the result of the Petitioner to the admission into the course of Ph.D in Cultural Studies Department, without assigning any reasons 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 Petitioner into the Ph.D course in Cultural Studies Department, in the interest of justice...”

The respondents withheld the admission of research scholar into Ph.D course in Cultural Studies Department without assigning any reasons. The 2nd respondent filed counter affidavit explaining the reasons for withholding the result of petitioner to admission into Ph.D course. The operative portion of the counter reads thus:

“It is submitted that in the instant case the attitude of the petitioner was totally very rude and unbecoming of a student of Postgraduate studies. The University has taken a unanimous decision that if any student, whose character is found detrimental to the interest of the University, such students shall not be granted

admission to the University, which is also published in the University Website. The students are well informed before the students are called for interview about the same. Therefore, the allegation of the petitioner that the petitioner's result were withheld for the reasons not disclosed to him is incorrect, since he knew the implications right from the time of his application six months ago.

It is submitted that there is one instance where the petitioner with others had gone to the ladies hostel on 30.10.2013 and tried to misbehave with the fellow students. It is submitted that the behaviour of the petitioner is uncommon and not befitting to be admitted into a senior research programme of Ph.D.

It is submitted that the petitioner's entrance result were withheld due to the above reasons and that the admissions are completed and there is no seat left in the cultural course department. It is submitted that University has to protect the conducive atmosphere as students from all corners of the country and abroad join the University for studies. Therefore, the decision was taken in the best interests of administration and for any reason the academic year is not disturbed, the careers of the students would also be affected and the reputation of the University in international area will be damaged. Therefore, in the best interest of the University and the students of the University, the University has taken a decision to withheld the result of the petitioner in the afore-stated reasons and circumstances which has been done based on the history and Proctorial recommendations."

In spite of granting time, the petitioner could not and did not satisfy the Court that the reason for withholding 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