

CWP No.7727 of 2013

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.7727 of 2013
Date of decision:27.05.2016**

Lalita Devi

...Petitioner

Versus

Maharshi Dayanand University, Rohtak and another

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Yogesh Saini, Advocate, for
Mr. Manoj Bajaj, Advocate, for the petitioner.

Mr. B.L.Gupta, Advocate,
for the respondents.

Rakesh Kumar Jain, J.

The petitioner passed her M.A. Degree in Sanskrit during the session 2010-2011 from the Maharshi Dayanand University, Rohtak (hereinafter referred to as the “University”) and took admission in M.Phil course for the session 2011-2012 through entrance test. The total duration of the M.Phil course is of one year which started from July 2011. The petitioner appeared in the first semester examinations of the M.Phil course held in December 2011/January 2012 and passed it with more than 50% marks. The second semester of the M.Phil course started in January 2012 and was comprised of two papers and one dissertation. The classes for theory were started in January 2012 but the Supervisor and the topic for research for dissertation were not allotted by the Department to the students at the start of the second semester. The theory examinations of the second

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semester were held in time in May 2012 but the dissertation could not be submitted and even the supervisor and topics for research for dissertation could not allotted to the students till then on account of the lapse on the part of the department. Ultimately, the supervisor and the topic for dissertation were allotted by the department on 07.06.2012 after the academic session was over. After the M.Phil, the petitioner wanted to pursue Ph.D. course in Sanskrit. As per the Ordinance for Registration and Award of Degree of Doctor of Philosophy (Ph.D.) in various faculties, excluding the faculty of Engineering & Technology (hereinafter referred to as the “Ordinance”), a candidate, who wanted to be accepted as a candidate for Ph.D. research programme, had to satisfy the academic criteria of having done Pre-Ph.D./M.Phil in allied area. Similarly, the Ordinance of the University for Pre-Ph.D. prescribes that it would be a course of one semester only and the admission to this Course would be made through the entrance test. The University prescribes the scheme of Pre-Ph.D. and M.Phil courses.

According to the petitioner, there is no difference between the first semester of M.Phil and Pre-Ph.D. and since the petitioner passed the first semester of M.Phil, therefore, she appeared in the entrance exam which was conducted by the University on 21.09.2012 for admission to the Ph.D. course as well as for the University Research Scholarship (URS) scheme. The petitioner applied only for URS for registration in the Ph.D course. The petitioner appeared in the exam and allegedly secured 1st position in the merit for URS. Since she had obtained the first position in the written exam of URS, therefore, she was expecting the scholarship but was not interviewed by the Department Committee of Sanskrit on 26.09.2012 on the

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ground that she was ineligible because she had not submitted her dissertation of M.Phil and, therefore, had not passed the M.Phil degree by that time. The Committee declared the final merit list for URS on 26.09.2012, in which the last candidate of general category was having total 61.63 marks and the petitioner only needed 5 marks to have an edge over the last selected candidate. The petitioner made a representation in this regard alleging that there was a delay on the part of the department in allotment of supervisor and topic for dissertation as a result thereof, she could not complete her dissertation and has wrongly been declared ineligible. She has, thus, prayed for a writ in the nature of *mandamus*, seeking a direction to the respondents to grant her the scholarship under the URS and the benefit of registration for Ph.D. for pursuing the said degree.

In reply, it is alleged that the petitioner had submitted her dissertation to the department directly on 31.12.2012 without getting it checked/certified from her supervisor and has, thus, breached the requirement of Clause 15 of the Ordinance governing the M.Phil examination, in which it is provided that the last date for receipt of dissertation in the office of the Controller of Examination shall be 31st December of the year in which the student shall be appearing for the M.Phil final examination. It is further alleged that the petitioner has neither passed Pre-Ph.D. nor completed her M.Phil as on 26.09.2012 as she had yet to submit her dissertation which was an essential requirement for completion of the M.Phil degree by that date and mere fact that she had appeared and qualified the Pre-Ph.D./URS entrance test by itself would not confer any right to her for award of scholarship under the URS, without having the

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minimum educational qualification prescribed under the Ordinance of the University. It is also alleged that the petitioner had not impleaded the selected candidates who satisfied the eligibility conditions as per rules/procedure and as such, the petition is bad because of non-impleadment of the necessary parties. It is also alleged that in the merit list for award of URS in the subject of Sanskrit for the session 2012-2013, there were two General category candidates, namely, Amar and Azad Kumari, who had secured 62.19 and 61.63 marks respectively, whereas the petitioner had secured only 56.92 marks. It is further submitted that even if two marks of the Pre-Ph.D. is awarded to the petitioner considering it equal to the first semester of the M.Phil, even then the petitioner would get only 58.92 marks and would not be able to surpass the last candidate, namely, Azad Kumari who had secured 61.63 marks. Insofar as the award of 5 marks for the M.Phil degree is concerned, those cannot be awarded to the petitioner because when she submitted her dissertation on 31.12.2012, Dr. Sunita Saini, Supervisor of the petitioner made a note that *“the student did never come or contact me for getting checked the dissertation work. She approached me in the afternoon of December 31, 2012 for signatures of Supervisor on the dissertation. I suggested her to leave the dissertation copies to me so that I could read the work and sign. But the candidate left the department without submitting it to me. Now the department marked it to me on 1.1.2013. I will check the work and sign on the dissertation if I find it up to mark for submission”*.

I have heard learned counsel for the parties and perused the available record.

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Firstly, the claim of the petitioner is based upon the equality of the first semester of M.Phil with the Pre.Ph.D. in order to secure 2 marks and secondly, considering completion of M.Phil degree on account of submission of her dissertation on the last date i.e. 31.12.2012, whereas the case of the respondents is that even if the petitioner is awarded 2 marks while equating her first semester of M.Phil with the Pre.Ph.D., even then she would secure only 58.92 marks as she had secured only 56.92 marks and would still be far behind from the last selected candidate of the general category, namely, Azad Kumari who had secured 61.63 marks and insofar as the 5 marks for completion of M.Phil Degree is concerned, those cannot be awarded to the petitioner because she did not submit her final dissertation on 31.12.2012, which is apparent from the note of her Supervisor, namely, Dr. Sunita Saini dated 01.01.2013.

Thus, looking from any angle, the petitioner has failed to make out any case for the purpose of issuance of a direction to the respondents, as prayed for.

Consequently, the present petition is hereby dismissed, being denuded of any merit.

May 27, 2016
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(Rakesh Kumar Jain)
Judge