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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 1049/2016 & C.M.Nos.4579/2016, 4580/2016, 5408/2016

BUSHRA SALAM

..... Petitioner

Through Mr.Bahar U.Barqi, Advocate.

Versus

JAMIA MILLIA ISLAMIA AND ORS

..... Respondents

Through Mr.Apurb Lal with Ms.Meenu
Pandey, Advocates for R-1 & 2.

Date of Decision: 3rd March, 2016

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

J U D G M E N T

MANMOHAN, J: (Oral)

1. Present writ petition has been filed seeking a direction to the respondents to grant sufficient time to the petitioner for completing her Ph.D course. Petitioner also seeks a direction to respondent nos. 1 to 3 to appoint a new Supervisor for the petitioner. Petitioner further seeks a direction to the respondents to release the fellowship to the petitioner, which has not been given to her since 1st January, 2013.

2. The relevant facts of the present case are that the petitioner had filed a prior writ petition being W.P.(C) No.7928/2014 seeking extension of time for completion of her Ph.D course as well as for change of her Supervisor and the same was disposed on 19th November, 2014 with a direction to make a representation to the

University and the University was directed to pass a speaking order within six weeks.

3. The respondent-University disposed of petitioner's representation vide letter dated 5th November, 2015 stating that in accordance with the decision of the Board of Studies dated 14th January, 2015 and the Minutes of Board of Studies dated 12th October, 2015, the petitioner is not entitled for sixth year extension to Ph.D admission, and therefore, no question of change of her Ph.D Supervisor and for release of non-NET fellowship arises.

4. Learned counsel for the petitioner states that the petitioner's thesis has been lying complete since 14th August, 2013, but till date the Supervisor has not accepted the same. He refers to petitioner's letter dated 22nd April, 2014 to contend that the draft of the thesis had been submitted to the Head of Department on a C.D on 4th November, 2013.

5. He further states that the petitioner's future is at stake and she has been unable to complete her Ph.D degree for more than two years because of respondents' inaction.

6. However, a perusal of the paper book reveals that after the petitioner's initial writ petition was disposed of on 19th November, 2014, the Board of Studies comprising eight Professors/Teachers, after considering the petitioner's representation and after perusing the records decided against recommending sixth year extension to the petitioner and further resolved that the petitioner's admission to Ph.D

course be cancelled. The relevant portion of the decision of the Board of Studies is reproduced hereinbelow:-

“ In the meeting, following members were present

- 1. Proft. Shahnaz Parveen (Chairperson)*
- 2. Prof. Mohd Mazhar Ali Khan*
- 3. Proft. Rocket Ibrahim*
- 4. Dr. Haroon Sajjad*
- 5. Dr. Atiqur Rahman*
- 6. Dr. Taruna Bansal*
- 7. Dr. Lubna Siddiqui*
- 8. Ms. Aruna paarcha*
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1. Her sixth year extension to the Ph.D. Course

..... Upon consideration of the representation of Ms. Bushra Salaam and perusal of records, BOS observed that:-

- Ms. Bushra Salaam had not been regular in pursuits of the research work and did not follow the academic guidance of carrying out her Ph.D. work. Dr.Lubna Siddiqui had sent email notices dated 27 Jan' 2013 and 3 Feb' 2013 to Ms.Bushra Salamm and asked her to submit her Ph.D. progress report but Ms.Bushra Salaam failed to do so. Dr. Lubna Siddiqui then reported this matter in DOS dated 22nd August, 2013. On the basis of the resolution of DOS, a warning letter was issued to Ms. Bushra Salaam on 29th Aug' 2013, asking her to submit the Ph.D. progress report forwarded by her supervisor Dr. Lubna Siddiqui, within one month from the date of issue of warning letter, which Ms. Bushra Salaam failed to comply with.
- Dr. Lubna Siddiqui had also reported verbally both in DOS and BOS that Ms. Bushra Salam had misbehaved with her

many times.

- Both the above matters are conduct in violation of Ordinances and Regulations (Academic), [Ordinance 9 (IX), 9, (c) Cancellation of Registration in the Ph.D. Course].

On the above grounds, BOS resolved that the 6th year extension to Ph.D. Admission cannot be recommend to Ms. Bushra Salaam and the BOS further resolved the cancellation of her admission from Ph.D. Course.”

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3. Release of her non-net fellowship

As per the documents already provided by the supervisor, Dr.Lubna Siddiqui, Ms. Bushra Salam was found to be drawing the university Non-NET fellowship and also working as PGT in Navyug School, Gole Market, New Delhi from 22 Sept. 2012 to 31 March 2013 and has also drawn salary from the school simultaneously which is a serious violation of Ordinances and Regulations (Academic), [Ordinance 9 (IX) 9. (c) Cancellation of Registration in the Ph.D. Course].

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Therefore, BOS recommends for recovery of the drawn Non-NET fellowship from Ms. Bushra Salam during the period for which she had drawn salary from school also. Further release of Non-NET fellowship in the light above issue was not recommended by BOS”.

(emphasis supplied)

7. Upon a perusal of the reasons given by the Board of Studies, this Court is of the view that the same are reasonable as well as based on grounds which are germane and which call for no interference in writ jurisdiction.

8. It is settled law that Courts are reluctant to interfere in the academic matters, especially when decisions have been taken by a body comprising academicians. In fact, the Supreme Court in ***University Grants Commission Vs. Neha Anil Bobde, (2013) 10 SCC 519*** has held that in academic matters, unless there is clear violation of statutory provisions, regulations or notification issued, Courts should not interfere. Consequently, this Court is of the opinion that conclusions of the Expert Body call for no interference in writ jurisdiction.

9. It is pertinent to mention that though the learned counsel for the petitioner repeatedly emphasised that the Ph.D thesis had been submitted by the petitioner as early as 3rd September, 2013, yet this Court is not impressed by the said contention, as from the paper book it is apparent that the petitioner had been issued a prior warning letter on 29th August, 2013 by the petitioner's Head of Department, wherein it was stated that the petitioner had not been in contact with her Supervisor from September, 2012. From the said letter, it is apparent that the petitioner's alleged Ph.D thesis, which she claims to have furnished on 3rd September, 2013, had not been approved by the Supervisor. This Court takes judicial notice of the fact that the Ph.D thesis are not submitted in one go to the Supervisor but virtually every

chapter is first approved by the Supervisor and then the Ph.D thesis is submitted in its entirety.

10. In view thereof, the present writ petition along with the applications being bereft of merits are dismissed.

MANMOHAN, J

MARCH 03, 2016

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