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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: August 02, 2016*

+ LPA 238 /2016 & CM No.13339/2016

MS. BUSHRA SALAM Appellant

Through: Mr. Bahar U. Barqi, Advocate.

Versus

JAMIA MILLIA ISLAMIA & ORSRespondents

Through: None

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

Ms.G.ROHINI, CHIEF JUSTICE (Oral)

1. Heard the learned counsel for the appellant/the unsuccessful petitioner in W.P(C) 1049/2016.

2. The material available on record shows that the appellant/writ petitioner was enrolled for Ph.D in Geography in the year 2009 under the supervision of the respondent No.3 herein in the department of Geography of Jamia Milia Islamia University. She had earlier filed W.P.(C)No.7928/2014 seeking an extension for completion of the Ph.D course as well change in her supervisor. The said writ petition was disposed of by order dated 19.11.2014 directing the petitioner to make a comprehensive representation to the University within a period of 2 weeks and, thereafter, the University to consider the same and pass a speaking order within a period of 6 weeks. Pursuant thereto, by letter dated 05.11.2015 of the University, she was informed that in terms of the decision

of the Board of Studies dated 14.01.2015 and the Minutes of the Board of Studies dated 12.10.2015, she is not entitled to grant of extension of period for completion of Ph.D. Her request for change of Ph.D. supervisor and release of non-NET Fellowship was also rejected. Aggrieved by the same, the petitioner filed W.P.(C) No.1049/2016 which came to be dismissed by the learned Single Judge by the order under appeal dated 03.03.2016 holding:

"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."

3. It is vehemently contended by Mr.Bahar U.Barqi, learned counsel appearing for the appellant that since the appellant/writ petitioner submitted her thesis well within the prescribed period, cancellation of her registration is impermissible on any ground whatsoever.

4. We do not find any substance in the said contention in the light of the reasons recorded by the Board of Studies in the Minutes of its Meeting dated 12.10.2015. As is evident from the decision of the Board of Studies, the relevant portion of which was reproduced in the order under appeal, the appellant/writ petitioner was not regular in pursuing her research work and did not follow the academic guidance extended by the respondent No.3, who was supervising her research work. In fact, respondent No.3 brought the said fact to the notice of DOS in August, 2013 itself and on the basis of the same, the appellant/writ petitioner was issued a warning letter on 29.08.2013. It is also a matter of record that the appellant/writ petitioner had misbehaved with respondent No.3 many times which is a serious violation of Ordinances and Regulations (Academic) of the University. Having taken note of the aforesaid facts, it was decided by the Board of Studies which is an expert body comprising 8 professors/teachers to cancel the admission of appellant/writ petitioner for Ph.D. course. As rightly held by the learned Single Judge, the finding of fact recorded by an expert body warrants no interference by this Court in exercise of writ jurisdiction under Article 226 of the Constitution.

5. The claim of the appellant that the thesis was submitted by her well within time was also found to be factually incorrect by the learned Single Judge observing:

"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."

6. We are entirely in agreement with the view expressed by the learned Single Judge. Therefore, the interference by us is not warranted on any ground whatsoever.

7. The appeal is devoid of merit and the same is accordingly dismissed.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J

AUGUST 02, 2016
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