

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P No. 2 of 2017

K. Supriya

.. Petitioner

Versus

The Deputy Registrar (Academic)
Pondicherry University,
Academic Section,
Kalapet, Puducherry 14.

.. Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the Memo Ref No.PU/AS/Aca-2/Ph.D-Admns./2016-17/302 dated 14.12.2016 of the respondent, quash the same and consequently directing the respondent to admit the petitioner in Ph.D Management studies Part-Time (external) for 2016-17.

For petitioner : Mr.S.Venkataraman
For Respondent : Mr. Stalin Abimanyu

ORDER

The petitioner seeks to quash the order dated 14.12.2016 passed by the respondent and consequently direct the respondent to admit her in Ph.D Management studies Part-Time (external) for 2016-2017.

2. The petitioner is a Post Graduate in MBA with more than 10 years of experience in industry and she is now working as Upper Division Clerk in the Directorate of Accounts and Treasuries, Government of Puducherry and she is on probation. According to the petitioner, the Pondicherry University issued prospectus for admission to Ph.D programme for 2016-2017, both full time and part time, including internal and external. In the prospectus, it was specified that candidates,

not exceeding two, could be registered at a time in a Department. Since the petitioner fulfilled the qualification and also satisfied the conditions laid down in Clause G for Ph.D Part time (external), she applied for the same by clearly mentioning the ten years of industrial experience possessed by her and also her present employment with Puducherry Government. After scrutinizing the petitioner's application and being satisfied in all aspects, the petitioner was exempted from written examination and was called for the interview on 12.7.2016. After verifying the records, the Admission Committee called upon the petitioner to give a presentation to them, pursuant to which, the petitioner made a presentation on her research proposal. On being satisfied with it, the Committee recommended her suitability to the Chairperson, Academic council. But to the shock of the petitioner, she was declared as ineligible due to some reasons about which, she was not informed in writing. Hence the petitioner gave a representation to the Vice Chancellor of the University about the illegal and illogical denial of admission without disclosing the reasons for such denial in writing. Since the petitioner was not properly responded by the respondent University, she approached this court by filing Writ Petition in W.P.No.41105 of 2016 seeking for a direction to the Vice Chancellor to dispose of her representation, and this Court on 23.11.2016 directed the Vice Chancellor to dispose of her representation within three weeks.

3. Pursuant to such direction issued by this Court, the University has issued a memo dated 14.12.2016 indicating the reasons for not selecting the petitioner for admission to Ph.D Part-Time (External). In the said Memo, it has been stated that under Clause "G", persons with five years of industrial experience, including in the field of media, who have rich collection of data in their field alone are eligible for Ph.D Part-Tike (External).

4. It is the grievance of the petitioner that denial of her admission based on the aforesaid reason is not correct and it is in contravention of the prospectus issued by the University. Hence the petitioner is before this Court by way of this Writ Petition. According to the petitioner, she is an eligible candidate for selection to the Ph.D course. She has vast experience besides that she is working in Pondicherry Government and got huge records to show her experience in the relevant field. Therefore, she is also entitled to claim the exemption from the written examination for selection to the post of Ph.D course Part time (external).

5. In this connection, learned counsel for the petitioner would mainly contend that the impugned order only says that clause "G" of the prospectus would apply, whereas on a careful reading of clause G of the prospectus it did not indicate anything in reference to Industry or it will state that those who are working in Government department cannot be treated as persons possessing industrial knowledge, The reasons assigned by the respondent in the impugned order are therefore not legally sustainable and he prayed for allowing the writ petition.

6. The learned counsel for the respondent, though, not filed counter, would bring to the notice of this Court the record of the minutes of Ph.D Interview dated 12.7.2016 for Category "G" Candidate. Based on the records, it was argued that the petitioner is only working in temporary capacity in the Government of Pondicherry. There is a specific embargo for those who are working in such capacity. Though she possess industrial experience for more than ten years, she is a temporary employee working in the Puducherry Government, as such she cannot claim the relief. Secondly, he would contend that working in a Government Department will not be deemed as an industry and the petitioner cannot seek admission for P.Hd course appointment on the basis of such experience. Even otherwise, he would contend that as per prospectus candidates seeking Ph.D admission under Exemption category are expected to write examinations as in many cases, earlier, it was found that the candidates who claim exemption from writing entrance examination were not finally found eligible for such exemption and keeping the same in view, hall tickets were issued for entrance examination including the candidates who claim exemption from entrance examination. Since there is a possibility that the claim for exemption from entrance examination by the candidate may be rejected by the Admission Committee, it was clearly stated in the prospectus that though the candidate claim for exemption from writing entrance examination, he or she should write the same. But unfortunately, the petitioner has not written her entrance examination. Further in the Minutes of Ph.D. Interview held on 12.7.2016 for Category G Candidate, which consists of very many persons including experts and head of the DMS and many other numbering 16, have considered the application of the petitioner and they have categorically come to a conclusion that she is not eligible for admission. According to the learned counsel for the respondent, since the petitioner has not fulfilled the eligibility criteria as contemplated under the

prospectus, the order of rejection is valid and he prayed for dismissal of the Writ Petition.

7. I heard the learned counsel for the petitioner and the learned counsel appearing for the respondent. The only point raised by the petitioner is that the petitioner is seeking exemption from writing the entrance examination for admission of Ph.D course, but such claim of the petitioner was summarily rejected without assigning proper or correct reasons. In this context, it is relevant to extract clause (g) to the Prospectus 2016-27 issued by respondent university, which reads as follows;

"(g) Persons with five years of industry experience, including in the field of media, who have a rich collection of data in their field and seeking admission to Ph.D, Part-time (external) are exempted from written entrance exam, but they have to give a seminar before the Admission Committee which shall evaluate and recommend on the suitability of the candidate for admission to the Chairperson, Academic Council. While conducting the seminar for such candidates, one external expert may be included in the admission committee, in addition to V.C.'s nominee. Such candidates, not exceeding two, could be registered at a time in a Department."

8. It is evident that Clause G of the prospectus did not indicate anything in reference to Industry. According to the respondent, working in a Government Department cannot be construed as an industrial experience. On a careful perusal of the prospectus, it is clear that Industrial experience indicated in the prospectus cannot be construed to be equivalent to a temporary work in Governmental department and that is the reason is why, the Ph.D interview committee consisting of 16 professors, including Head of the Department, Vice Chancellor, External Experts have categorically concluded that the petitioner, who is working temporarily in Pondicherry Government Department cannot be construed to possess industrial experience. Further when such a conclusion was arrived at by the committee, the court, in exercise of the powers conferred under Article 226 of The Constitution of India, cannot sit over the decision of such eminent bodies who have selected candidates for admission to Ph.D course. The petitioner has to satisfy all the required criterias eligible for admission, as contemplated under the prospectus and in the absence of the same, she cannot seek herself to be eligible. Therefore, this court is of the view that the impugned order passed by the respondent is in accordance with the clauses contained in the prospectus. In such view of the matter, the relief sought for in this writ petition cannot be granted. No costs. Consequently, the

connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

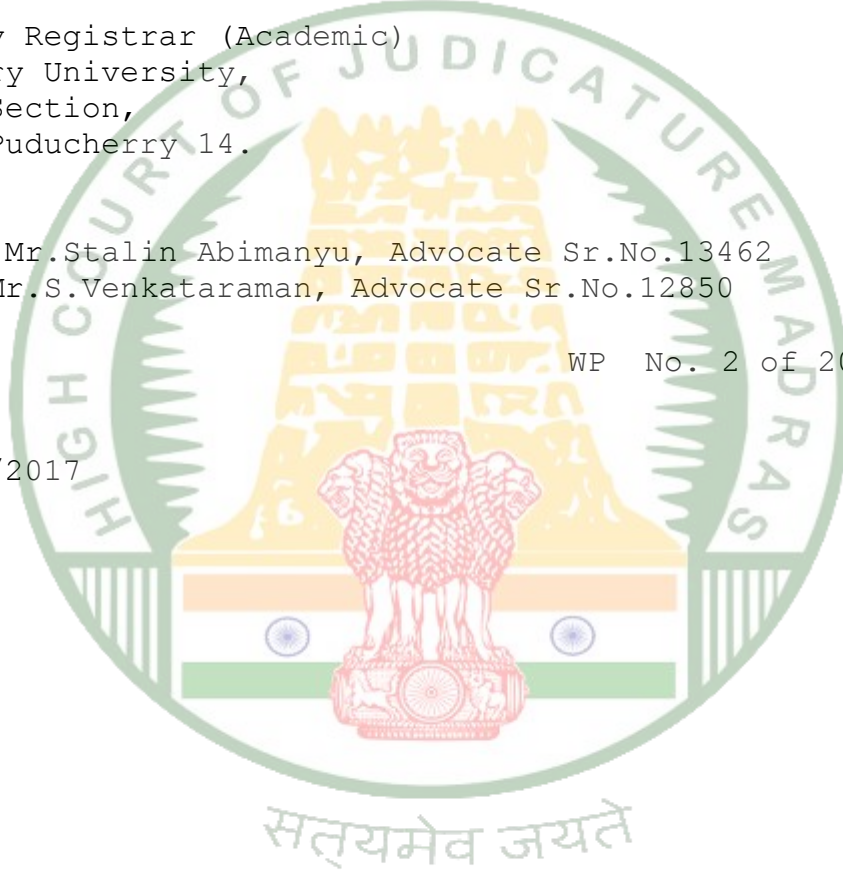
The Deputy Registrar (Academic)
Pondicherry University,
Academic Section,
Kalapet, Puducherry 14.

+ 1 cc to Mr.Stalin Abimanyu, Advocate Sr.No.13462
+1 cc to Mr.S.Venkataraman, Advocate Sr.No.12850

WP No. 2 of 2017

KJI (CO)

RRI 24/04/2017



WEB COPY