

HON'BLE SRI JUSTICE M.S.K. JAI SWAL

WRIT PETITION No.9193 of 2006

ORDER:

This writ petition is filed for a mandamus, declaring the order of the 1st respondent, dated 19.04.2006 in cancelling the Ph.D Degree awarded to the petitioner in the year 1998, as illegal and arbitrary.

2. Heard both sides and perused the material on record.

3. The petitioner, pursuant to the notification, issued by the respondent University, applied for Ph.D Course and submitted synopsis. After interview, he was chosen for submission of his thesis on "Anti Arrack Movement and Prohibition in Andhra Pradesh". The petitioner joined in the course on 20.10.1995. The petitioner passed pre-Ph.D Degree in the year 1996 and thereafter he was conferred with Ph.D Degree on 13.11.1998 by the respondent University. The petitioner is a Lecturer and got 7 years experience in teaching. While so, the petitioner received a show cause notice on 06.01.2006 issued by the respondent University, stating that a complaint was received from the General Secretary of Telangana Doctorates Association, Hyderabad to the effect that the petitioner submitted duplicate work for Ph.D.Degree and the project work was copied from the work of the 3rd respondent-S.Ramaiah, Advocate and requested to cancel the Ph.D degree of the petitioner. In this regard, an Enquiry Committee was constituted on 21.07.2004, consisting of 5 members, and the said committee concluded that the thesis submitted by the petitioner and LL.M project report of the 3rd respondent are identical. The petitioner submitted his explanation on 07.08.2004. On 02.08.2004 the 3rd respondent placed before the Enquiry Committee a letter stating

that he collected material and data from the petitioner. Thereafter, two more members were added in the Enquiry Committee and the 3rd respondent seems to have attended before the full committee and denied his letter dated 02.08.2004 and he further stated that the said letter was obtained by his friend G.Ravi Kumar and he signed the letter without reading its contents. The committee recorded the statement of the petitioner on 04.02.2005. Finally, the committee concluded that the allegation levelled against the petitioner is not proved. The said report was placed before the 2nd respondent on 14.11.2005, and the 2nd respondent came to conclusion that there is *prima facie* evidence and resolved to issue show cause notice to the petitioner. For the said show cause notice, the petitioner submitted his detailed explanation on 24.01.2006. However, without considering his explanation, the 2nd respondent has decided to cancel the Ph.D degree of the petitioner in its meeting held on 24.02.2006, pursuant to which, the 1st respondent issued the impugned proceedings on 19.04.2006. Hence, the writ petition.

4. Respondents Nos.1 & 2 filed counter, denying the contents of the writ affidavit. It is stated that on a complaint made by the General Secretary, Telangana Doctorates Association, enquiry was conducted about the thesis submitted by the writ petitioner, and in the enquiry, the 3rd respondent denied his letter, said to have issued on 02.08.2004 and requested to cancel the Ph.D Degree of the petitioner. Though the Enquiry Committee concluded that the allegation levelled against the petitioner not proved, but the Executive Committee applied their mind in its proper perspective and concluded that thesis of the petitioner is a copied work and unanimously resolved to cancel the Ph.D degree of the petitioner. Therefore, the petitioner is not entitled to invoke the

extraordinary jurisdiction of this Court seeking judicial review of the decision of the Executive council of the University.

5. Learned counsel appearing for the petitioner submitted that the action of the second respondent in cancelling the Ph.D degree deferring with the conclusions of the Enquiry Committee is erroneous and without any basis. He submits that the Enquiry Committee found him not guilty and submitted the report which is based on the material gathered during the enquiry, more particularly, the conflicting versions given by the third respondent whose work is said to have been copied by the petitioner in submitting his thesis for Ph.D. Learned counsel submits that the authorities ought to have taken into consideration the explanation offered by the writ petitioner that it is not he who copied the work of the third respondent, but, on the other hand, it is the third respondent who took the material from him for submitting his dissertation for obtaining the LL.M degree which fact third respondent himself admitted in his letter, dated 02.08.2004, which, however, subsequently the third respondent resiled from it. Learned counsel submits that the writ petitioner is a scholarly person having did his degree and post-graduation and also studied the Law Course.

6. On the other hand, learned standing counsel for Osmania University submits that the Enquiry Committee has accepted the fact that the thesis submitted by the writ petitioner is a replica of the Project Report submitted by the third respondent for obtaining his LL.M degree, but, however, in view of the conflicting stand taken by the third respondent the Enquiry Committee held that the charge against the writ petitioner was not proved. The Executive Council which is the supreme authority though originally comprised of five eminent educationists was

subsequently expanded by adding two more members and having carefully perused the material on record the Executive Council came to the conclusion that it is the petitioner who has copied the material from the paper submitted by the third respondent and submitted the same and obtained the Ph.D degree. Even though the third respondent gave wavering statements but according to the Council the fact that the third respondent submitted his paper in the year 1995 and the writ petitioner submitted his thesis in the year 1998 itself goes to show that it is the petitioner who has submitted his thesis by copying the same from the Project Report of the third respondent who is submitted in the year 1995 itself. Learned Counsel submits that this Court cannot interfere with the well considered findings of the Executive Council in the absence of there being any material to show that the Council acted *mala fide* and hence the writ petition is liable to be dismissed.

7. A careful perusal of the material on record shows that the substantial facts are not in controversy. It is not disputed that the dissertation submitted by the third respondent for obtaining his LL.M degree in the year 1995 is reflected verbatim word by word and figures in the thesis submitted by the writ petitioner in the year 1998. It is also fact that the third respondent completed his LL.M degree and submitted the Project Report on 22.12.1995. It is also not in controversy that the writ petitioner took admission in Ph.D only in the year 1995. The only contentious aspect is as to whether it is the third respondent who copied the work of the writ petitioner or *vice versa*. Either of them are guilty of plagiarism.

8. The third respondent in his letter, dated 02.08.2004, stated that he copied his work from the material gathered by the petitioner.

However, on 02.01.2005, the third respondent denied the same and even having any acquaintance with the petitioner leave alone taking help from him in submitting his paper. It is also on record that the project report submitted by the third respondent was part of the library of Kakatiya University from where the petitioner did his graduation. The contention of the petitioner cannot be believed for the reason that in the year 1995 when the third respondent submitted his project report to the University and obtained the LL.M degree, the writ petitioner did not even join the course of Ph.D. Only in the year 1996 the petitioner passed his pre-Ph.D and submitted thesis in 1998. The contention of the petitioner that even before he was admitted to Ph.D course, he has gathered the material and data and prepared the thesis which was copied by the third respondent is difficult to be countenanced. In that view of the matter, the Executive Council has rightly held that it is the petitioner who has copied the entire project report of the third respondent and submitted his thesis three years after the third respondent submitted the same to the University. The Enquiry Officer gave benefit of doubt to the petitioner only on the ground that the third respondent gave earlier statement that it is he who copied the work of the petitioner but subsequently denied having signed such a statement and the third respondent being an Advocate cannot be believed that he signed the letter on 02.08.2004 without reading it. *Prima facie*, this conclusion of the Enquiry Officer is erroneous and was rightly differed by the Executive Council which comprises of seven eminent persons. In that view of the matter, the decision of the Executive Council to cancel the doctorate degree of the petitioner cannot be said to be incorrect or violation of any principles of natural justice warranting interference by this Court.

9. Learned Counsel appearing for the petitioner submits that the principles of natural justice were violated in the case, inasmuch as, no proper opportunity was afforded to the writ petitioner to meet the allegations made against him. According to the learned Counsel, no material, whatsoever, has been furnished due to which he was not able to effectively refute the charge.

10. The authorities of the University have produced the original file and also the material documents. I have carefully perused the same. I see no substance in this submission of the learned Counsel appearing for the petitioner that he was, in any way, deprived of an opportunity as contended. The record shows that the enquiry commenced in July, 2004 and on 04.02.2005 the writ petitioner himself gave two representations to the Chairman of the Enquiry Committee, one in his own handwriting and other duly typed. In both these explanations offered to the Chairman of the Enquiry Committee, on 04.02.2005 the writ petitioner has specifically contended that it is not he who has copied the material from the third respondent but it is the third respondent who has copied the same from his material. The handwritten explanation of the writ petitioner, dated 04.02.2005 (which contains several mistakes) reads as under:-

“I Dr.A.Thirupathi Lecturer in Public Administration, S.P.Collegte, Secunderabad. I was joined Ph.D in 1995, but I prepared my all the chapters on Anti-Arrack movement and prohibition in Andhra Pradesh before on joining of my Ph.D Admission. After the joining I was also passed pre-Ph.D on my thesis. That time Mr.S.Ramaiah came to my Room and He asked my computer plafy of prohibition Act 1995. Therefore, I was given my computer plafy of my thesis chapters. Mr.Ramaiah without my knowledge, He down lode to all the chapters of my thesis including prohibition Act 1995. And He was submitted a LLM Project Report in Law Department at Kakatiya University Warangal.

I have not copied from Mr.S.Ramaiah LLM Project Report, He was copy my Reddemade material of Anti-Arrack movement and prohibition in Andhra Pradesh in 1995. Mr.Soma Ramaiah theft my chapters and submitted as Project Report in Department of law at Kakatiya University Warangal. I have not copy any other thesis and projects.”

11. In the above explanation offered by the writ petitioner, he has expressed no grievance whatsoever about his being unable to meet the charge against him.

12. Similarly, the final show cause notice was issued to the petitioner on 06.01.2006 calling upon his explanation and the writ petitioner in his explanation dated 24.01.2006, gave a detailed explanation point-wise but in this representation, however, he complained that the necessary material was not furnished to him thus violating the basic tenets of principles of natural justice. However, it is noticed from the said explanation that he has access to the entire material and has taken the specific stand that the Executive Council has not considered the enquiry report but without any reasons disagreed with the same. Paras 5 and 6 of the said explanation may usefully be extracted:-

“5. I submit that the said enquiry committee submitted its report disbelieving the allegations made by the complainant that I copied the thesis from him. I was not even given copy of the enquiry committee though I have requested for supply of the same. I submit that the enquiry committee disbelieved the version of the complainant that I copied the thesis and the allegation is not proved beyond doubt.

6. It is very unfortunate that the Executive Council of the Osmania University, Hyderabad by its meeting on 14-12-2005 took decision to disagree with the findings arrived at by the enquiry committee where it had an opportunity to observe the conduct of the complainant as he submitted contradictory letters/submissions and could not prove his allegations beyond doubt. The enquiry committee after examining the case, gave findings disbelieving the version of the complainant. As could be seen from the show cause notice, the above facts appears to have not

considered by the Executive Council but simply disagreed without assigning any justifiable and cogent reasons, which, according to law, is not correct and illegal. I submit that the Executive Council did not cite any part of evidence to come to conclusion that there is prima facie case in support of the allegations made against me that the thesis submitted by me is copied work. The members of the Executive Council of Osmania University, Hyderabad have not properly appreciated the factual aspect and applied their judicious mind while disagreeing with the findings of the enquiry committee nor there is any iota of evidence to substantiate the allegations. He himself admits that he collected the material for LL.M thesis from me before the enquiry committee and after its proper scrutiny, the committee accepted the same and gave its findings. More over, I was not given proper and reasonable opportunity by supplying the copy of the enquiry committee and the executive Council's decision to disagree with the said report amounts to victimization. Even the allegations of the complainant do not have any substance but only made with an aim of vengeance and nothing else."

13. If the above explanation is carefully perused, there cannot be any doubt that the enquiry was not conducted in the manner in which it was required or that the principles of natural justice were violated as alleged by the writ petitioner. It is manifest from the record that ample opportunity was afforded to the petitioner and as already referred to supra, the findings of the Enquiry Committee were discarded by the Executive Council which is the supreme authority on the subject. Though it is alleged that no valid and cogent reasons are given by the Executive Council in differing with the enquiry report, the same do not appear to be correct if the reasons assigned by the Executive Council are perused. Even at the cost of repetition, it can be said that the Enquiry Committee has held the charge against the petitioner not proved only on the ground that the third respondent gave conflicting statements and the subsequent conduct of the third respondent in resiling from his earlier letter dated

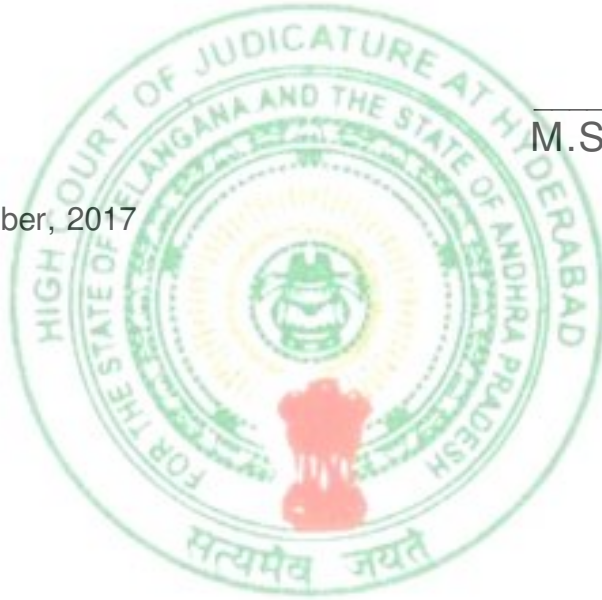
02.08.2004 was not accepted. However, the Executive Council has taken into consideration all the surrounding facts and circumstances and held that the charge was proved and issued the show-cause notice.

14. In view of the foregoing discussion, I see no merit in any of the contentions raised by the writ petitioner and there are no merits in the writ petition and the same is liable to be dismissed.

15. In the result, the writ petition is dismissed. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

Date: 4th October, 2017
Dsr/smr



M.S.K.Jaiswal, J