

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No. 16170 of 2017 (O&M)
Date of Decision: September 28, 2017

Rakesh Kumar and others

.....Petitioners

versus

Kurukshetra University and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE SUDHIR MITTAL.**

Present: Mr. Munish Garg, Advocate
for the petitioners

Mr. A.S. Virk, Advocate
for the respondents

Sudhir Mittal, J.

The petitioners have challenged order dated 13.07.2017 (Annexure P-5) by which their admission to the Ph.D. Course in Management has been cancelled.

2. Pursuant to notification dated 12.05.2017 (Annexure P-1), the petitioners applied for Ph.D. (Management) Course. The petitioners are all UGC/CSIR - NET JRF (with validity period for fellowship) candidates and the notification dated 12.05.2017 was restricted to such candidates. It was provided in the notification that the relevant Ph.D. Ordinance was posted on the University website. Pursuant to their applications, the petitioners were provisionally selected and merit list dated 24.05.2017 was issued. In accordance with the terms of this merit list, the petitioners reported to the Departmental Research Committee alongwith their original documents/certificates upto 26.05.2017. The documents

having been found in order, they were permitted to deposit the fee. Course was commenced on 01.07.2017. On 13.07.2017, the impugned order was issued cancelling their admissions on the ground that holders of UGC/CSIR – NET JRF, in commerce were ineligible for admission to the Ph.D. (Management) Course directly, without an entrance test.

3. It is the contention of their learned counsel that in terms of Clause 5.3 of the Ordinance and Application Form (2016-2017) for Ph.D., the petitioners were exempted from the entrance test and thus, the cancellation of their admission is illegal.

4. In its written statement the respondent–University has placed reliance upon Clause 6.1 of the aforementioned Ordinance to say that the petitioners were not exempted from the entrance test because the qualification of UGC/CSIR – NET JRF was in the subject of 'Commerce' whereas admission had been taken in the subject of 'Management'. 'Commerce' being an allied subject, did not entitle the petitioners for exemption from the entrance test. It is stated that the University School of Management had committed an error in admitting the petitioners provisionally which has now been rectified.

5. To settle the controversy it is necessary to reproduce Clause 5.3 and 6.1 of the said Ordinance :-

5.3 The candidates who have qualified the common UGC/CSIR – NET JRF (with validity period) shall be exempted from entrance test for admission to Ph.D. Course in allied subjects also.

6.1 Kurukshetra University shall hold the Entrance Test of main subject and allied subject as per schedule notified every year, subject to availability of vacant seats in that subject. The candidates including UGC/CSIR – NET JRF applying in allied subjects or an

examination recognized as equivalent thereto shall be required to appear in the Entrance Test.

6. A perusal of the aforementioned provisions shows that there is no merit in the submissions made on behalf of the petitioners. Exemption from taking the entrance test has only been granted where UGC/CSIR – NET JRF candidate holds the said fellowship in the main subject in which admission to the Ph.D. Course is sought. Such a candidate, even if he applies for a Ph.D. Course in an allied subject, would be exempted from the entrance test. However, a candidate who holds the research fellowship in an allied subject, is not exempted. In the instant case, Ph.D. Course for which admission is being sought is known as Ph.D. (Management) for which 'Business Administration (MBA)' is the main subject and commerce is an allied subject. This is evident from Annexures R-22 to R-26 placed on record by the respondent–University. Annexure R-22 is the Minutes of the Meeting of the Deans' Committee held on 27.10.2016, wherein recommendation was made in respect of Master Degrees as Main and Allied subjects for admission to Ph.D. Course in various subjects. The said recommendation was subsequently approved by the Vice Chancellor and has been uniformly followed thereafter. Even in the Academic Session 2012-13, 2013-14 and 2014-15, 'Commerce' has been listed amongst the allied subjects. Thus, the decision to cancel the admission of the petitioners can not be faulted.

7. It is next contended on behalf of the petitioners that the mistake lay on the part of the respondent–University for which they should not be penalized. Further, it is submitted that the validity period of their respective fellowships was about to expire and that they would be put to unnecessary hardship.

8. The eligibility conditions and mode of admission fixed by the respondent–University are not under challenge in this writ petition. The Ph.D.

Ordinance (supra) governs the requirement of entrance test or exemption therefrom. This Court can not pass orders contrary to the terms of the said Ordinance. The respondent–University rectified its mistake within a short period and therefore, no equities accrue in favour of the petitioners. The petitioners are required to take entrance test if they are keen to join the Ph.D. Course. During the pendency of this writ petition, we permitted them to take entrance test scheduled in the month of July 2017 and we are told that some of them could not qualify the said test and some could not get admission being lower in order of merit. Under the circumstances, they would need to try their luck at later date.

9. For the reasons aforementioned, the writ petition must fail and is accordingly dismissed without any order as to costs.

[SUDHIR MITTAL]
JUDGE

[SURYA KANT]
JUDGE

September 28, 2017
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No