

CWP No.23785 of 2016 (O&M)

[1]

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.23785 of 2016 (O&M)
Date of decision:29.03.2017**

Payel Mehta

...Petitioner

Versus

I.K.Gujral Punjab Technical University and others

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Ms. Payel Mehta, petitioner-in-person.

Mr. Tribhawan Singla, Advocate,
for respondents No.1 and 2.

Mr. Ashe Kumar Goyal, Advocate,
for respondent No.3.

Rakesh Kumar Jain, J.

This order shall dispose of three petitions bearing CWP Nos.23785, 25632 and 25644 of 2016 as the issue involved in all these petitions is common. However, for the sake of convenience, the facts are being extracted from CWP No.23785 of 2016.

The petitioner has allegedly qualified UGC-NET in the Management stream and applied for Ph.D. programme in the stream of Business Administration and Management to the University in the year 2011 by submitting her request in the form of an application form for registration to Ph.D. programme vide application No.10122899 dated 29.05.2011. Her provisional application was approved by the University and provisional number 1109057 was allotted to her. It is further alleged that she had completed her compulsory course work on paying the requisite

fee from RIMT, Mandi Gobindgarh, Punjab, an institution affiliated to the University. The result of the Ph.D. course work and exam was declared by the University between January 2012 to March 2012 and the petitioner was allotted Roll No.1109057 to pursue her Ph.D. main course. The petitioner submitted her synopsis with Thesis Topic of “Awareness and Utilization of Consumer Rights, an Empirical study in Rural and Urban Punjab”. The presentation was held on 21.12.2012 at the University campus. The synopsis submitted by the petitioner was evaluated and approved and a letter dated 08.02.2013 was received by the petitioner issued by the Research Degree Committee (RDC) in this regard.

According to the petitioner, she has got her two research papers published, after paying requisite fee and with proper acknowledgment of PTU as her institution, which form part of her research topic. The said research papers are (i) 'Awareness and Utilization of Consumer Rights in Punjab' published in 'International Journal in Management and Social Science' with impact factor of 5.276 and (ii) 'Consumer Purchase behaviour, an Empirical Comparison between District Hoshiarpur (Doaba Region) and District Gurdaspur (Majha Region) of Punjab' published in 'GE International Journal of Management Research' with impact factor of 4.88. It is also alleged that the petitioner has also prepared her third research paper with the title of 'Consumerism – A study about perceptions and expectations of the Consumers in District Mohali' and submitted the same to the 'International Journal of Consumer Studies' since 19.07.2016. It is further averred that the petitioner prepared her Pre-Thesis for submission in June, 2016, but it could not be uploaded on the website of the University as

her request was declined. The petitioner made representation to the University on 09.07.2016 and also raised her grievance through e-mail dated 27.07.2016.

It is further averred that she came to know that vide notification dated 05.09.2016, the University has notified that for the student of the Ph.D. programme in the Management stream, it has been made compulsory by the University that one paper must be published in journal indexed by Australian Business Deans Council (ABDC) or Science Citation Index (SCI), whereas the other paper was allowed to be published in any referred journal.

The petitioner is aggrieved against the issuance of three notifications by the University on 30.12.2013 (Annexure P-1), 28.03.2014 (Annexure P-2) and 05.09.2016 (Annexure P-7) and has requested that her Pre-Thesis should be accepted provisionally which has been completed by her as per the UGC guidelines and according to the initial guidelines issued by the University at the time of her admission/enrollment in the Ph.D. programme.

Counsel for the petitioner has submitted that the conditions mentioned in the aforesaid notifications dated 30.12.2013, 28.03.2014 and 05.09.2016 cannot be applied to the petitioner as these conditions have been laid after the petitioner was admitted/enrolled/registered in the Ph.D. programme by the University in the year 2011. It is admitted that the petitioner was guided by the University Grants Commission (Minimum Standards and Procedure for award of M.Phil/Ph.D. Degree), Regulations 2009 (hereinafter referred to as the "Regulations-2009"), in which it is not

provided that the research paper has to be published according to the Thomson Reuters Impact Factor (as provided in Annexure P-2) or one paper must be published in journal indexed by Australian Business Deans Council (ABDC) or Science Citation Index (SCI) (as provided in Annexure P-7). It is further submitted that as per Clause 16 of the Regulations-2009, the Ph.D. candidates were required to publish one research paper in a referred journal before the submission of the thesis/monograph for adjudication and have to produce evidence for the same in the form of acceptance letter or the reprint.

It also requires pertinent notice that an exemption in regard to the publication of minimum two research papers (including one with impact factor of one) according to Thomson Reuters Impact Factor was made vide notice dated 07.10.2015 for the scholars who had published their two papers in referred journals for the Ph.D. work on or before 28.03.2014.

Counsel for the petitioner ultimately argued that the aforesaid notifications cannot be given retrospective effect.

On the other hand, the stand taken by the University is that the University Grants Commission has laid down the minimum standards and procedure for awards of M.Phil/Ph.D. Degree as per notification dated 01.06.2009, in which Clause 16 provides that *“Ph.D. candidates shall publish one research paper in a referred Journal before the submission of the thesis/monograph for adjudication, and produce evidence for the same in the form of acceptance letter or the reprint”*. It is submitted that the said Regulation is only a guideline issued by the UGC and in conformity with the said regulations, the University had issued Regulations of the Punjab Technical University in the year 2010 in which Clause VII (c) (iv) provides

that “*at the time of submission of the thesis, a candidate will produce evidence of having published two research papers (relating to the research topic on which he/she has been registered for Ph.D. degree and the academic work including in the thesis) in referred journal with at least one journal having impact factor equal to or more than 1 (one)*”. It is further submitted that the Ph.D. Regulations were further amended vide notifications dated 30.12.2013, 28.03.2014, 07.10.2015 and 05.09.2016, according to which, a candidate must have published two research papers – one in the journal indexed by the Australian Business Deans Council (ABDC) or Science Citation Index (SCI) and the other papers should be published in any other referred journal. It is alleged that it has been done as many publishers mushroomed for publishing research journals, who defined their own indexing and impact factor which are not recognized internationally and further UGC in the 6th Revised Pay Regulations has revised criteria for selection and promotion of faculties in Academic Performance Indexing (API), which is the outcome of the research evaluated on the basis of publication with Impact Factor but the UGC has not given any list of research journals to evaluate the research publication and as the impact factor of Science Citation Index (SCI) is accepted internationally and ensure the quality of research, Clause VIII (c) (iv) of the Ph.D. Regulations-2010 of the University was clarified vide notification dated 28.03.2014 that the impact factor of journal as defined by Thomson Reuters shall be considered for fulfillment of this condition for Ph.D. degree and the said notice was duly displayed on the website of the University and was also sent to the supervisor of each student including the present petitioner. It is also

submitted that after issuance of the aforesaid clarification vide notification dated 28.03.2014, various representations were received from the students who have already published or communicated their research work for publication in journal not evaluated by Thomson Reuters and, therefore, the condition of the impact factor by Thomson Reuters was waived off by the University vide letter dated 07.10.2015 but the publications after the date of notice dated 07.10.2015 were expected to be have impact factor as per Thomson Reuters. The entire process is a standard process of the University and adopted to maintain the quality of research work. It is also submitted that after receiving the various representations, the condition with regard to the publication of the research papers having the impact factor as defined by Thomson Reuters was further relaxed vide notification dated 05.09.2016 and has been replaced with the publication either in the journal indexed by the Australian Business Deans Council (ABDC) or Science Citation Index (SCI) and the other paper was allowed to be published in any other referred journal and the said notification was uploaded on the University website on 06.09.2016. It is also submitted that the University has opted for two international agencies, i.e. ABDC and SCI, for publication of the research papers as per the Ph.D. Regulations of the University, in conformity with the UGC Regulations-2009, to promote the quality of research work. It is further submitted that the number of other students, who are pursuing their Ph.D./M.Phil programme through the University, had already published their papers through Thomson Reuters/SCI journals. It is also submitted that the petitioner has offered to submit her Pre-Thesis in July 2016.

I have heard the parties and examined the available record with their able assistance.

Regulation 16 of the Regulations-2009 lays down the method of evaluation and assessment, which has already been referred to in the earlier part of the order and procedure for submission of thesis is laid down by the Ph.D. Regulations of the University in Clause VIII (c) (iv), in which it is provided that there should be publication of two research papers (relating to the research topic on which he/she has been registered for Ph.D. Degree and the academic work included in the thesis) in referred journals, with at least one journal having impact factor equal to or more than one.

The stand taken by the University in this regard is that there has been mushrooming of many publishers for publishing research journals, who defined their own indexing and impact factor, which are not recognized internationally and further UGC in the 6th Revised Pay Regulations has revised criteria for selection and promotion of faculties. The outcome of the research was a part of the academics, which is evaluated on the basis of impact factor and since the UGC has not given any list of research journals to evaluate the research publication, therefore, it has been laid down by the University by way of notice dated 28.03.2014, clarifying that it has to be as per the Impact Factor of Thomson Reuters, which was further relaxed vide notice dated 07.10.2015 in respect of the scholars who had published their two papers in referred journals from the Ph.D. Work on or before 28.03.2014 and further relaxed vide notification dated 05.09.2016 by adverting to the procedure that one paper must be published in journal indexed by the Australian Business Deans Council (ABDC) or Science

Citation Index (SCI) and permitting the scholars to publish another paper in any other referred journal.

In case of the petitioner, she has not got her research work published according to the aforesaid notifications, which have been challenged only on the ground that the petitioner is governed by the Regulations-2009, which were in vogue at the time when she was admitted/enrolled in the Ph.D. programme. The stand taken by the petitioner cannot be accepted as it is for the University to decide about the publication of the research papers, which has been followed by the other students as stated in the reply, in order to raise the standard of publication and to promote the quality of research work. Since the petitioner had not submitted her thesis before the cut-off-date i.e. 28.03.2014, as provided in the notice dated 07.10.2015 (Annexure P-3), therefore, she has failed to avail the benefit of notice dated 07.10.2015 (Annexure P-3).

Thus, the University was well within its rights to lay down the conditions for submissions of the thesis and publication of the research papers, which cannot be claimed by the petitioner to be regulated by the Regulations in vogue at the time of her admission/enrollment in the Ph.D. Programme.

Consequently, I do not find any merit in all the writ petitions and hence, the same are hereby dismissed.

March 29, 2017
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(Rakesh Kumar Jain)
Judge

Whether speaking / reasoned: Yes/No

Whether Reportable: Yes/No