

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

**CWP No.8867 of 2017**

**Date of Decision:26.05.2017**

**Satish Kumar**

**.....Petitioner**

**vs.**

**Kurukshetra University, Kurukshetra and another** **.....Respondent**

**CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN**

Present: Mr. Jawahar Lal Goyal, Advocate  
for the petitioner.  
Mr. A.S. Virk, Advocate for  
respondent No.1- UOI.

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**Rakesh Kumar Jain (Oral)**

This petition is filed for seeking a writ in the nature of certiorari for quashing the order dated 17.03.2017 by which request made by the petitioner for admission in the Ph.D Course in the subject of Nano Science has been declined.

In short, the university invited applications for admission to Ph.D Course in various subjects including Nano Science in which three seats were notified. The petitioner is M.Phil in Physics from the Kurukshetra University (for short, 'the University'). He applied for admission under the Exempted Category in terms of Clause 7.8(c)(i) of the Ph.D Ordinance. Since there were two modes of seeking admission, i.e. either by taking entrance test or by seeking exemption from taking entrance test, therefore, the petitioner had applied under the Exempted Category and the University displayed the list of the selected candidates both under the Entrance Test Category (one seat) and under the Exempted Category (two seats) on 22.03.2016 on its website but the name of the petitioner was not there but both the seats in the Exempted Category remained vacant. The petitioner made a representation on 06.03.2017 requesting respondent No.2 to consider him for admission in the Ph.D Course in the subject of Nano Science. The said representation was rejected vide impugned order dated 17.03.2017. Hence, the present petition has been filed.

Counsel for the petitioner has submitted that the petitioner is M.Phil in Physics from the University and as per clause 7.8(c)(i) of the Ph.D Ordinance, he was eligible for admission in exempted category but respondents have declined the prayer on the ground that he is not possessing M.Phil Degree in Nano Science. It is submitted that since the University has not offered degree of M.Sc and M.Phil in Nano Science, therefore, the petitioner could not acquire the said degrees.

On the other hand, counsel for respondent No.1 has submitted that Schedule to admission for Ph.D Course was prepared and displayed which is reproduced as under:-

**Schedule for admission to Ph.D. Course, 2015-16 for candidates to be enrolled in March – 2016**

|    |                                                                                                                                                                                                                                                                          |                                         |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| 1  | Date of submission of Application Form in the concerned Department/ Institute                                                                                                                                                                                            | 27.1.2016                               |
| 2  | Entrance Test (Main Subjects) Paper-I at 10:00 a.m to 11:00 a.m<br>Paper-II at 11:00 a.m to 1:00 p.m                                                                                                                                                                     | 07.2.2016<br>(Sunday)                   |
| 3  | EntranceTest (Allied Subjects) Paper-I at 10:00 a.m to 11:00 a.m<br>Paper-II at 11:00 a.m to 1:00 p.m                                                                                                                                                                    | 14.2.2016<br>(Sunday)                   |
| 4  | Declaration of Entrance Test Result                                                                                                                                                                                                                                      | 15.3.2016                               |
| 5  | Submission of documents if required prior to enrollment                                                                                                                                                                                                                  | 19.3.2016                               |
| 6  | Dates of Enrollment<br>1 <sup>st</sup> List to be displayed with 2 working days for deposit of fee<br>2 <sup>nd</sup> List to be displayed with 2 working days for deposit of fee<br>Final list to be displayed, if seats are vacant with fee deposition on the same day | 22.3.2016<br>26.3.2016<br>29.3.2016     |
| 7  | Deposit of Course Work fee                                                                                                                                                                                                                                               | 4.4.2016<br>5.4.2016                    |
| 8  | Commencement of Course Work Classes<br>From 20.4.16 to 4.5.16 and 1.7.16 to 15.12.16 (excluding summer vacations.)                                                                                                                                                       | 20.4.2016                               |
| 9  | Completion of the Course Work Classes                                                                                                                                                                                                                                    | 15.12.2016                              |
| 10 | Conduct of Examination of Course Work and declaration of its Result                                                                                                                                                                                                      | Upto<br>20.12.2016                      |
| 11 | Submission of Synopsis                                                                                                                                                                                                                                                   | As per Clause-8.5 of Ph.D. Ordinance    |
| 12 | Registration of successful Ph.D. Students                                                                                                                                                                                                                                | As per Clause-14 of the Ph.D. Ordinance |

It is submitted that the candidate seeking admission in the Ph.D Course has to apply in terms of the Schedule either for the purpose of taking Entrance Test or seeking exemption from the Entrance Test. Thereafter, when the said process is over, the list is displayed of the successful candidates. Admission process is over after the final list is displayed and the course work starts for which the candidates have to undergo Course registration and then after taking the exam, the said candidate is registered as a Ph.D Scholar. According to the respondent, even the said process is also over. Therefore, at this stage, the prayer made by the petitioner in writ petition in the month of April, 2017 has practically become redundant. It is also submitted that as per Clause 7.8(c)(i) of the Ph.D Ordinance, the candidates who have obtained M.Phil Degree in the concerned subject are exempted from taking the Entrance Test and the work “concerned subject” is meant for all the subjects. If the petitioner was aggrieved that the Kurukshetra University is not offering M.Phil in the concerned subject, i.e. Nano Science, then the petitioner should have challenged the validity of Clause 7.8(c)(i) of the Ph.D Ordinance but no such challenge has been made except for seeking a writ in the nature of certiorari for quashing the order dated 17.03.2017 and also for a direction to grant admission to the petitioner in the Ph.D Course in the subject of “Nano Science” under the Exempted Category.

I have heard counsel for the parties and after examining the record, am of the considered opinion that the petitioner has practically missed the bus as he has filed the writ petition on 20.04.2017 whereas the process of registration as a Ph.D Scholar is already over which is evident from Schedule. Secondly, Clause 7.8(c)(i) of the Ph.D Ordinance is

taking the entrance test for admission to the Ph.D Course has to have M.Phil Degree in the concerned subject whereas in the present case, the petitioner is M.Phil in Physics and not in the concerned subject, namely, “Nano Science”. In case, as alleged, by the petitioner that there is no degree of M.Sc or M.Phil offered by the Kurukshetra University in Nano Science, then the petitioner should have challenged the validity of Clause 7.8(c)(i) of the Ph.D Ordinance on the ground that an impossible condition has been imposed but no such challenge has been made in the present petition. Thus, the petitioner has to follow the provisions of Clause 7.8(c)(i) of the Ph.D Ordinance in which the word used is “concerned subject” which means that the petitioner has to be M.Phil in Nano Science instead of claiming himself to be M.Phil in Physics.

From the aforesaid discussion, I am of the considered opinion that there is no merit in the present petition and the same is hereby dismissed.

**May 26, 2017**  
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**(Rakesh Kumar Jain)**  
**Judge**

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |