

\$~22

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1098/2017**

VIJAY KUMAR PARASHAR Petitioner
Through: **Mr. Rajesh Sharma, Adv.**

versus

GURU GOVIND SINGH INDRAPRASTHA
UNIVERSITY Respondent
Through: **Ms. Anita Sahani, Adv. for**
respondent University.

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER
% **08.02.2017**

CM. No. CM No. 5019/2017

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 1098/2017

1. The present petition has been filed by the petitioner with the following prayers:

“a) A writ of Mandamus directing the Respondent to give extension for completion of Ph.D of the petitioner in accordance with Rules and Regulations based on parity.

b) Pass an order against the Respondent to pay to the Petitioner the damages and compensation in terms of money Rs.25 Lacs for each of the Respondent for the loss and inconvenience suffered by the Petitioner due to being deprived of his precious time, energy and resources;

c) A Writ of Mandamus commanding the Respondents to

pay the cost of Rs.25 Lacs to the petitioner; and

d) Pass any other such order (s) which this Hon'ble Court deems fit and appropriate in the facts and circumstances of the case and in the interest of justice."

2. It is the case of the petitioner and also contended by the learned counsel for the petitioner that the petitioner got himself enrolled as a student of Ph.D in Basic and Applied Sciences in the respondent / University under the guidance of Professor A.K. Narula on April 11, 2005. Between the period of 2010-2016, he made various representations for extension of time to submit his Ph.D work. It is also contended that the petitioner has submitted application under the RTI dated February 11, 2015 to know the status of his applications submitted for extension of his Ph.D Registration. He would contend that the petitioner had sent a legal notice dated January 18, 2016 to the respondent. The petitioner received a letter from the University dated December 6, 2016 enclosing therewith a communication dated December 5, 2016 from the In-charge, Academics of the University to the Dean of University (School for Basic and Applied Sciences) wherein it was stated that the extension of the Registration period of Ph.D Programme as requested by the petitioner even after completion of 8 years has been examined and the request is in contravention to the Proviso vide Clause 9, Clause 10 (a) and Clause 10 (b) etc. as per the Ordinance 12 and has not been acceded to by the competent authority and the Registration and enrolment of the petitioner in Ph.D Programme is cancelled. According to him, the cancellation is without any basis / justification as the petitioner had justifiable reasons for not completing Ph.D within the period stipulated. He states that the petitioner has been submitting papers to various authorities

which have been appreciated. He would state that he has been participating in Seminars as well. He sought parity inasmuch as in one case, the respondents had extended the time. In this regard, he has drawn my attention to Page 123 of the paper book.

3. On the other hand, Ms. Anita Sahani, learned counsel appearing for the respondent would submit that the present petition is hit by delay and latches and also the request of the petitioner seeking extension of time has been rightly rejected. She would draw my attention to Ordinance 12 which governs the programme leading to Degree of Doctor of Philosophy, more specifically Clause 10, which reads as under:

“10. REGISTRATION PERIOD REQUIREMENTS

- (a) The minimum period of Registration after which a candidate can submit his thesis shall be two years from the date of registration as a candidate. The period can be further increased as provided in clause 9(b).*
- (b) A research student / candidate shall normally be allowed to submit his thesis within a maximum period of 6 years. However, in exceptional cases, this limit may be extended by the Vice-Chancellor by a maximum period of two years.”*

That apart she would draw my attention to the request made by the petitioner on February 20, 2010 (page 30) to state that the petitioner instead of pursuing his Ph.D was gainfully employed elsewhere. She states that the petitioner was not serious in pursuing the research activities. That apart the plea of parity advanced by the learned counsel for the petitioner is not sustainable as it is clear that in the said case the date of registration was of July 21, 2009 and the period extended was till July 20, 2016, i.e., within the seven permissible years in terms of Clause 10 of Ordinance 12. She seeks

the dismissal of the petition.

4. Having heard the learned counsel for the parties, suffice to state that in terms of Clause 10 of Ordinance 12, maximum period within which a candidate can complete the Ph.D is 2 years which period can be extended by 6 years and further to be extended by 2 years by the Vice-Chancellor in exceptional cases. The span period being of 10 years and the 10 years having expired on April 11, 2015, surely the case of the petitioner is out of the purview of the Ordinance 12. No direction contrary to the Ordinance can be given. I have seen the representations made by the petitioner from time to time. No justifiable reasons have been given by the petitioner for not pursuing the Ph.D immediately after the Registration. Learned counsel for the respondent is justified in relying upon the representation of the petitioner dated February 20, 2010 (Page 30) wherein the petitioner himself has stated that after he got himself registered in the year 2005 for Ph.D Programme, he got a job in Asian Paints Limited, Greater Noida, UP; he got a job at Mohali in the year 2007 and he could not come frequently to do his research and in 2010 he got a job in Rewari, Haryana. The employment may have been taken for compelling reasons but that can't be a reason for not pursuing the research. That apart in some of his representations, the petitioner, has referred to his attending Seminars / Conferences, and the papers he had submitted, but in none of them or in his other representations did he give any justifiable reasons to seek extension of registration. That apart the plea of the learned counsel for the petitioner that the petitioner has been making representations from 2010-2016 is unsustainable as continuous representations would not justify the petitioner approaching the Court in the

year 2017 as it is a settled law even in cases where period of limitation is prescribed, continuous representations would not extend the limitation. Even if the decision has been taken in the year 2016, that would not help the case of the petitioner as the maximum period within which a candidate can pursue Ph.D. is 10 years which period has elapsed. The plea of parity is also unsustainable on facts.

I do not see any merit in the petition. Same is dismissed.

V. KAMESWAR RAO, J

FEBRUARY 08, 2017/jg