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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1423/2015, CM No. 2489/2015**

RAMAN DHIR Petitioner
Through: Petitioner in person.

versus

UNIVERSITY OF DELHI & ANR. Respondents
Through: Mr.Amit Bansal, Adv. for R-1
Mr.V.Sudeer, Adv. for R-2/UGC

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

ORDER
% **09.02.2017**

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

“a) That the conditions (i) and (ii) of the impugned notice no. LF 9225 dated 25.10.2014 which imposed prohibition on the petitioner to pursue his Ph.D. course be quashed and struck down;

b) That the respondents no.1 and 2 be directed to release UGC Non-NET Fellowship including reimbursement of contingency per annum for his Ph.D. Course including simple interest payable @8% per annum calculated from the due date of payment of arrears till date and to be further added till the final disposal of this present writ petition total amounting to Rupees Four Lakhs Thirteen Thousand Eight Hundred and Fifty-one only. (Rs.4,13,851/-);

c) That the respondent no.1 be directed to allow the petitioner to submit his Ph.D. thesis as soon as possible to the Faculty of Law thereby leading to the award of the Ph.D. Degree and without seeking an affidavit prohibiting him to practice law as an Advocate;

e) That the respondent no.1 be directed to allow the petitioner to complete his Ph.D. course in a peaceful and cordial environment under his new Supervisor Dr.Raman Mittal, Associate

Professor, in Campus Law Centre, Faculty of Law, and without imposing any other undertaking in the near future restraining through issuing permanent injunction against them;

e) That the respondent no.1 be directed to award compensation to the petitioner to the tune of Rupees Five Lakhs only (Rs.5,00,000/-) immediately for causing mental harassment, torture and agony by sending illegal, arbitrary and perverse impugned notice thereby resulting in wastage of his precious time;

Any other order which this Hon'ble Court deems just and proper may also be passed in favour of the petitioner and against the respondents."

2. The petitioner who appears in person has drawn my attention to page 140 of the paper book which is the impugned communication, which reads as under:

"This has reference to your various applications regarding change of your Ph.D. Supervisor. I am to inform you that the Departmental Research Committee and Board of Research Studies in Law in their meetings held on 15.09.14 & 26.09.14 respectively appointed Dr.Raman Mittal, Associate Professor, in Campus Law Centre. Faculty of Law as your new Ph.D. Supervisor. The Committee also decided that you have to complete the balance residency period of one year out of total requirement of 2 years as you have completed one year with your previous supervisor. This one year shall commence from the date when you report to your new supervisor Dr.Raman Mittal. The following is brought to your notice again:

(i) According to ordinance VI-B, Ph.D. is a full time course. During the period of 2 years residency, the research scholar cannot engage in any gainful job.

(ii) The Committee took the view that the rules of Non-NET fellowship are already clear and it cannot be given to any person who is in receipt of any financial assistance from any other source or is engaged in any gainful activity while pursuing Ph.D. Course.

You have to submit an affidavit stating that you will follow the

instructions of the DRC/BRS not to associate in any gainful job during the period of residency, even though you are not required to surrender the licence. (Performa of affidavit may be obtained from the Office of the Dean, Faculty of Law).

In future, you are advised, to get in touch with your supervisor regularly at least thrice in a week for your Research work.”

3. He states that for pursuing Ph.D. Course, he has to give an affidavit in terms of format at page 175 of the paper book. He further states while pursuing Ph.D. Course, he is required to surrender the licence. He also states, if he does not surrender the same, it would be presumed that he is in gainful profession, which may entail cancellation of his admission to Ph.D. Course.

4. Mr.Amit Bansal, learned counsel appearing for respondent no.1 states that in terms of the impugned order dated 25th October, 2014 at page 140 and order passed by the Division Bench on 20th February, 2014 in WP(C) no.6585/2012, it is clear that the petitioner is not required to surrender the licence even while pursuing his Ph.D. course. He also states that the format of the affidavit at Serial No.2 clearly reads that he would not undertake the profession. In other words, he would not pursue his profession of advocacy (serial No.6). He has drawn my attention to serial No.7 of the format of the affidavit. According to him, it is only in the eventuality that if it is found that the petitioner is actually pursuing his profession of advocacy, the admission to Ph.D. course would be cancelled. The petitioner agrees with the submissions made by Mr.Amit Bansal.

5. To allay the fears of the petitioner, it is made clear that only when it is found that the petitioner is pursuing his profession of advocacy, while doing

Ph.D., the respondent no.1 can cancel the admission to Ph.D. Course. The petitioner states that the other requirements of the Ph.D. course shall be fulfilled by him. The said statement is taken on record.

6. The petitioner has also drawn my attention to prayer-(b) of the petition which is with regard to release of UGC Non-NET Fellowship including reimbursement of contingency per annum for his Ph.D. Course along with interest at 8% per annum. Learned counsel for the respondent no.2 has drawn my attention to page 121, which is a communication dated 16th August, 2011, wherein the following has been mentioned:-

“In last BRS I had pointed out non-engagement of research scholars in work for Ph.D. and a committee was appointed to look into things and suggest measures. No deliberations happened.

I report about the candidates registered with me. Three candidates were registered with me in 2010.

(1) Ms. Neha Gupta never turned up after reporting once for payment of fee; it also appears that she is engaged in practice. In any case, she has not pursued anything towards Ph.D.

(2) Mr. Raman Dhir once reported in Dec. 2010/Jan 2011 for 2-3 days, but has not come or talked thereafter.

(3) Ms. Deepika Tiwari comes once a while in 1-2 months each time, but has not shown any work or any readings till now, though she claims she is studying.

It is for your information. It appears that the periods in which they have not done anything should not be taken in account.”

7. He states that as the petitioner was pursuing advocacy and the fact that he has not reported to the Supervisor thrice a week and had only reported for 2-3 days, he is not entitled to the fellowship for the first year.

8. The petitioner states that he would like to make a detail representation to the respondents impressing upon them that he was not pursuing advocacy

during the said period. He states, the same shall be made within four weeks from today. On such a representation, the respondents shall consider the same and pass a reasoned order within four weeks, thereafter. If the respondents agrees with the petitioner, they shall release the amount within four weeks, thereafter. If the order is otherwise, the petitioner shall be at liberty to challenge the same in accordance with law.

9. The petitioner states that this would satisfy his grievance in the writ petition.

10. The writ petition is disposed of on the above terms.

CM No. 2489/2015

Dismissed as infructuous.

V. KAMESWAR RAO, J

FEBRUARY 09, 2017
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