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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 6816/2017 & C.M. Nos.28374/2017 & 28387/2017
ASSISTANT PROF SUTAPA DAS

..... Petitioner

Through Petitioner with her counsel Mr.
Pankaj Sinha and Ms. Jubli Momalia,
Advs.

versus

ASSISTANT REGISTRAR EVALUATION CENTRE JNU AND
ANR

..... Respondents

Through Ms. Monica Arora and Mr. Kushal
Kumar, Adv.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

% **25.08.2017**

The petitioner is a student of Ph. D at the Jawahar Lal University. She has completed her first course work and now wants to move on to the second course which is the research phase. She had been declined permission to join the research phase for the reason set up by the respondent which is that she must have a CGPS of 6.50 to get a confirmation in the second course.

The contention of the petitioner is otherwise. Learned counsel for the petitioner points out that she had applied for admission to her Ph. D course in the month of July, 2016. This position is admitted. In terms of a Gazette Notification dated 05.05.2016 issued by the Ministry of Human Resource Development, certain amendments were made in the UGC (Minimum Standards and Procedure to be followed for M. Phil and Ph. D Degree) Regulations, 2009; this amendment had been notified in the Gazette of India on the same day i.e. on

05.05.2016; para 1.3 clearly states that these amendments will come into force from the date of their publication i.e. 05.05.2016. In terms of this amendment, for completion of a course of the Ph.D Program, a minimum of CGPA 5.0 was required. The petitioner has admittedly got a score of 6.33 CGPS. Her submission is that the Department/respondent University withholding her promotion to the second part of the course for the reason that she requires a CGPA of 6.5 is incorrect in view of these amended Regulations which had already come into effect on 05.05.2016 i.e. prior to her date of admission (i.e. July, 2016) and thus it being applicable to the case of the petitioner wherein the requirement was of a 5.0 CGPSA. The petitioner necessarily has to be promoted to the second course i.e. research phase which is the 3rd semester.

Noting these facts to be correct which are borne out from the record, this Court is of the view that the petitioner is entitled to the relief prayed for by her. Without delving into the specific prayers made by the petitioner, this Court is of the view that in the peculiar facts and circumstances of her case, the petitioner is permitted to be promoted to the next phase of her Ph. D Program which is the research phase i.e. 3rd semester.

Petition disposed of in the above terms.

Order dasti under signatures of the Court Master.

INDERMEET KAUR, J

AUGUST 25, 2017

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