

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1340 of 2017

In

Civil Writ Jurisdiction Case No.1542 of 2017

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Sweta @ Sweta Raj Wife of Abhinay Rai, Resident of C/O Mr. Devendra Kumar Sinha, Dharmshobha, Back of Officers' Hostel, Bailey Raod, Town and District Patna.

... .. Appellant/s

Versus

1. The Patna University, Patna, through its Registrar.
2. The Vice Chancellor, Patna University, Patna.
3. The Registrar, Patna University, Patna.
4. The Deputy Registrar, Patna University, Patna.
5. The Examination Controller, Patna University, Patna.
6. The Head of Department, Hindi, P.G. Department, Patna University, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Abhinay Raj, Advocate
Mr. Mayank Rukhaiyar, Advocate
For the Respondent/s : Mr. S.N.P.Sinha, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 06-10-2018

1. Delay of 13 days in filing the present appeal is condoned and I.A. No. 7138 of 2017 is disposed of.
2. Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the learned Single Judge dated



09.08.2017, passed in C.W.J.C. No. 1542 of 2017. The learned Single Judge having dismissed the said writ petition preferred by the original writ petitioner, the original writ petitioner has preferred the present Letters Patent Appeal under Clause X of the Letters Patent.

3. The facts appearing in the present Letters Patent Appeal are as under:

3.1 That the original writ petitioner approached this Court by way of present writ petition - C.W.J.C. No. 1542 of 2017 to quash and set aside the communication dated 11.04.2016 issued by the Deputy Registrar, Patna University by which the original writ petitioner was refused the certificate of completion of Ph.D. under the University Grants Commission (minimum standard and procedure for award of M.Phil/Ph.D. Degree) Regulation, 2009 and also further prayed to direct the Respondent University to issue certificate of completion of Ph.D.

4. Considering the material on record and the relevant provisions of Regulation, 2009 and having found that the original writ petitioner did not comply with and/or fulfil and/or satisfy the procedure to be followed as per the Regulation, 2009 of the U.G.C., the learned Single Judge refused to grant any relief and, consequently, has dismissed the writ petition.



4.1 Hence, the present Letters Patent Appeal by the original writ petitioner.

5. Shri Abhinay Raj, learned Counsel appearing on behalf of the appellant-original writ petitioner has reiterated what was submitted before the learned Single Judge. He submits that as the original writ petitioner prosecuted the studies as directed by the Patna University, therefore, the petitioner shall be entitled to the degree of Ph.D. as per Regulation, 2009.

6. However, merely because the University might have committed some wrong and/or on the basis of some instruction, the original writ petitioner might have proceeded further with the studies, that can not be a ground to grant Ph.D. degree in favour of the original writ petitioner, if the procedure, as required under Regulation, 2009 of the U.G.C., has not been followed and/or complied with.

7. At this stage, it is required to be noticed that even the learned Single Judge in the impugned order has deprecated the attitude of the University in not following the requirements laid down under Regulation, 2009 of the U.G.C. for award of Ph.D. degree. However, unless and until all the requirements laid down under Regulation, 2009 for award of Ph.D. degree are satisfied, the candidates shall not be entitled to the award of Ph.D. degree.



8. We are in complete agreement with the view taken by the learned Single Judge.

8.1 The present Letters Patent Appeal deserves to be dismissed and is dismissed.

(Mukesh R. Shah, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/Uma/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.10.2018
Transmission Date	N/A

