

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6557 of 2017

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Rubi Kumari, daughter of Sri Gajadhar Pd. Singh, resident of Mohalla- North
Hajipur Ward No.3, P.O. & P.S.- Khagaria, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Development Department, Government of Bihar, Vikas Bhawan, Jawahar Lal Nehru Marg, Patna.
2. The Bhupendra Narayan Mandal University, Madhepura through its Registrar.
3. Vice-Chancellor, Bhupendra Narayan Mandal University, Madhepura.
4. Registrar, Bhupendra Narayan Mandal University, Madhepura.
5. Deputy Registrar (Academic), Bhupendra Narayan Mandal University, Madhepura.
6. The University Grants Commission, Bahadur Shah Zafar Marg, New Delhi

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhakar Kumar
For the State Respondent/s		Smt. Binita Singh-SC-28
		Mr. Vivek Anand Amitesh, AC to SC-28
For the University		Mr. Mithilesh Kumar Rai
For the UGC		Mr. Amarendra Nath Verma, SC to UGC

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

10 30-10-2018 The petitioner claims that she obtained her M.Phil. Degree in the year 2009 from the Global Open University, Nagaland with first class, through Distance Education Mode. In the year 2010, she deposited a sum of Rs. 1000/- as registration fee of the Ph.D. by Challan No. 87 dated 25.09.2010 in the Bhupendra Narayan Mandal University, Madhepura (hereinafter to be referred to as ‘the University’). It is her further case that thereafter she made an application, along with the synopsis entitled ‘Studies on



Ameliorative Effect of Melatonin on Fluoride-Induced Oxidative Stress in Swiss Mice' for the award of the Ph.D. degree and thereafter the Deputy Registrar (Academic) of the University issued Memo dated 07.03.2013, informing her in the meeting of the Academic Council dated 27.02.2012 her application with synopsis for the award of Ph.D.Degree had been discussed and subsequently approved for the award of the Degree under the supervision of Dr. Ranjana Jha, Associate Professor, Department of Zoology, R. M. College, Saharsa. It is her further case that she completed her thesis for the award of Ph.D. Degree and got the same finally printed for submission. In the meanwhile, her Supervisor, Dr. Ranjana Jha died while undergoing treatment in Delhi. In that view of the matter, it is the petitioner's case that she applied for appointment of another Supervisor for completion of her research work for the award of the said Degree.

There is no averment in the writ application as to when her Supervisor died and when did she apply for appointment of another Supervisor. The vague averments made in paragraphs 12 and 13 of the writ application, therefore, cannot be looked into.



In 2016, the Deputy Registrar (Academic) of the University, through a letter dated 06.05.2016, informed the petitioner regarding cancellation of her research proposal. This is the background in which the present writ application has been filed, seeking quashing of the letter dated 16.03.2016.

A counter affidavit has been filed on behalf of the University, stating therein that the petitioner's registration in Ph.D. Course is in violation of Clause 1 to 3 of the Ph.D. Regulations as approved by the Governor's secretariat for the basic eligibility registration. It has been stated that the petitioner got the letter issued in her favour illegally as an M.Phil candidate. In response to the statement made in the writ application that the Research Council had approved the research proposal, the stand of the University in the counter affidavit is that the decision of the Research Council is subject to review by the Academic Council under section 32 (1) of the Bihar State Universities Act, 1976. In the counter affidavit, the petitioner's acquisition of M.Phil. Degree from Global Open University, Nagaland through Distance Mode has also been doubted. It has further been stated in paragraph 11 that no research work was ever carried in the



Laboratory of the University, Department of Zoology in R. M. College, Saharsa, where the petitioner claims to have conducted her research. It has accordingly been stated that submission of thesis by the petitioner is probably managed.

If what is asserted in the writ application is to be accepted, admittedly, there was no advertisement issued, inviting applications for admission to Ph.D. Course, before the petitioner claims to have got registered in the said Course, which is an essential requirement under 'the UGC (Minimum Standards and Procedure for Awards of M.Phil/Ph.D. Degree) Regulation, 2009.' It is surprising to find that on 07.03.2013, the petitioner was informed by the Deputy Registrar (Academic) that her application with synopsis had been discussed by the Research Council and subsequently approved for the award of the Ph.D. Degree under the supervision of Dr. Ranjana Jha, it is not evident from any pleading or the document on record as to since when the petitioner started her research under Dr. Ranjana Jha, who is said to have died on a date which too has not been disclosed in the writ application. There is another aspect of the matter. The petitioner's synopsis, it is stated,



was approved on 27.07.2012 about which the petitioner was informed through letter dated 07.03.2013 and the petitioner prepared her thesis for submission in 2014 itself. The way the petitioner claims to have got herself admitted in Ph.D. Course, Supervisor allocated and thesis prepared, speaks volume about the manner in which the things are being done in the University. The entire case of the petitioner is based apparently on fraud. The Court does not intend to interfere with the matter.

The writ application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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