

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

C.C.NO.1789 OF 2016

ORDER

Aggrieved by the inaction of the respondent – University in completing the process of awarding Ph.D to the petitioner with registration No.OPPHPY-001 of 2008-09 batch, W.P.No.5657 of 2014, came to be filed. This court by interim order dated 28.02.2014 passed the following direction:

“In view of the above, there shall be interim direction to the respondents to take further steps on the thesis submitted by the petitioner in accordance with law”

2. Alleging that the respondent has violated the interim order of this court dated 28.02.2014, by not completing the process of awarding Ph.D. degree to the petitioner, the present contempt case is filed.

3. Learned Standing Counsel for the respondent by producing copy of the proceedings in memorandum No.DU/DDE./M.Phil/Ph.D/2008-09 dated 27.02.2018 issued by the Director of Dravidian University, Kuppam, submitted that in compliance of the orders of this court, the thesis submitted by the petitioner was processed and the soft copy of the thesis of the petitioner was subjected to anti-plagiarism test and the report dated 06.02.2018 revealed that there is 51% plagiarism. As per the above said proceedings, petitioner was informed that his thesis requires revision as per rules and to re-submit the same. Therefore, he submits that there is no violation of the order of this court.

4. Learned counsel for the petitioner submits that the petitioner has taken admission in Ph.D. programme in the year 2008 and submitted his thesis in the year 2011 and as per UGC Regulations, entire process of evaluation of Ph.D thesis has to be completed within six months from the date of submission of thesis. He further submits that in the present case, the thesis was submitted in the year 2011, and as no steps were taken for completing the process, petitioner was constrained to file writ petition in the year 2014 and even after interim order of this court, they have not taken further steps. He submits that the 'anti-plagiarism test', which the University has applied to the thesis of the petitioner, was not in existence at the time of admission of the petitioner and as per University Grants Commission (Minimum Standards and Procedure for award of M.Phil/Ph.D. Degree), Regulations, 2009 and the subsequent Regulations of the year 2016, which provide for mechanism to detect plagiarism, was not provided under the earlier Regulations and as per Regulation 12.1 of 2016 Regulations, these regulations would apply for awarding of degrees registered for Ph.D. programme on or after July, 11, 2009. In the present case, the petitioner has taken Ph.D. admission in the year 2008 and hence, the said Regulations cannot be made applicable to the case of the petitioner. He submits that since the petitioner has submitted the thesis and also soft copy in the year 2011 and that as the respondent has now subjected the thesis of the petitioner in the year 2018 to anti-plagiarism test, there is every possibility of copying the thesis of the petitioner by others and hence the plagiarism report stating that there is 51 % similarity, cannot be taken into consideration. He submits that as the respondent has not taken any steps on the thesis submitted by the petitioner in the light of UGC Regulations

applicable to him at the relevant point of time and that they have processed the thesis under subsequent Regulations, it cannot be said that the respondent has complied with the order of this court in its true spirit.

5. The learned Standing Counsel for the respondent submits that for awarding Ph.D. degrees, the University has been checking the theses submitted by the candidates to find out percentage of plagiarism and up to 30% it is permissible and in the present case, the Research and Development cell has indicated the percentage of plagiarism at 51%. Hence, the petitioner was required to revise and to resubmit the thesis. Therefore, he submits that there is no violation of the order of this court.

6. Pursuant to interim order of this court, the Director of the University issued proceedings dated 27-02-2018. Paragraph No.4 of the said proceedings reads as under:

“By obeying the orders of the Hon’ble High Court, the University created a soft copy with the documents submitted by the candidate and checked the plagiarism and the plagiarism report reveals that there is 51% similarity index which requires revision of the thesis as per rules. With the above reason, the Director, DDE office Sent Anti Plagiarism report of the thesis to the candidate on 06.02.2018 for taking further action. The DDE section informed the candidate about exceeding similarity index in anti-plagiarism check and to resubmit the same after revising the thesis for the purpose of re-checking of plagiarism and further process of evaluation. And hence, the candidate has to submit the revised thesis along with softcopy for completing the process of awarding Ph.D as per rules.”

From the above proceedings of the respondent it is clear that the petitioner was required to revise and resubmit the thesis as the anti-plagiarism check revealed that there is 51 similarity index. These are all academic issues, where the scope of judicial review is limited. This court directed the respondent to take further steps on the thesis submitted by the petitioner in

accordance with law. In pursuance of the order of this court, respondent issued proceedings dated 27-02-2018. Whether the procedural aspects evolved by the expert body viz., Academic Council, with regard to mechanism for detection of plagiarism and other forms of academic dishonesty, for awarding Ph.D degrees, will apply prospectively or retrospectively, cannot be gone into in the contempt case and as already noted, in academic issues where the expertise in the relevant field is involved, this court would be normally slow in exercising the power of judicial review.

7. In view of above facts and circumstances, I do not find any willful violation of the orders of this court. The contempt case is accordingly dismissed.

8. However, it is always open for the petitioner to comply with the above objection raised by the respondent in the proceeding dated 27-02-2018 and resubmit the thesis, which will be processed as per rules for awarding Ph.D.

9. Miscellaneous petitions pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

DATE:06—03—2018

AVS