

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 18389 of 2018

Date of decision : July 30, 2018

Meenakshi

..... Petitioner

Versus

Punjab Engineering College and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN

Present:- Mr. Vikas Malik , Advocate
for the petitioner.

Mr. Ashwani Talwar, Advocate
for the respondents.

RAKESH KUMAR JAIN, J (oral).

The petitioner is aggrieved against the order dated 18.7.2018 by which she was asked to vacate the hostel accommodation/premises No.701 K.C. Extension within a period of one week.

In brief, the petitioner was enrolled in the Ph. D. Regular (Environmental Engineering Program in January 2012 with the Punjab Engineering College (deemed to be University), Chandigarh. She was admitted in the aforesaid hostel in January, 2012. She got Ph.D candidacy on 28.1.2014.

It is averred that the petitioner has to complete her Ph.D by 27.1.2019 but in the meantime, a notice was issued by respondent No.2 on 22.5.2018 which read as under:

“All the Ph.D. Students residing in #701. K. C. Extension are informed that who have completed four years of their

degree i.e. from the date of registration as Ph.D student and who have converted their degree from full time to part time are required to vacate the hostel on or before 31.5.2018 positively. Failing which a strict action will be taken by the authorities on the defaulters.”

The petitioner made a representation on 25.5.2018 to respondent No.2 for allowing her to continue to stay in the hostel and submitted that she has not converted her regular degree to part time and her thesis is still going on, therefore, it would be difficult for her to work from outside. On the said representation, respondent No.2 passed the impugned order dated 18.7.2018 observing therein that there is acute shortage of hostel accommodation. The students may be asked to vacate the hostel within one week.

Aggrieved against the said decision taken by the respondent, present petition has been filed, in which notice was issued on 26.7.2018 for today.

Respondents have filed their reply today in Court. The same is taken on record and copy thereof has been supplied to learned counsel for the petitioner.

In the reply filed, it is averred that the petitioner got scholarship under the Technical Education Quality Improvement Programme-II which was allotted to PEC (deemed to be University) by the Ministry of Human Resources Development, Government of India for a period of four years. It is further averred that the petitioner was registered as a Ph.D candidate on 28.1.2014 and was supposed to complete her Ph.D within a period of five years i.e. upto 27.7.2019. However, it is also averred

that the normal period for completion of Ph.D is four years from the date of

registration and scholarship is also limited to four years. It has been averred that the petitioner made the request on 25.5.2018 to allow her to continue to stay in the hostel but the matter was kept pending to see the trend of admissions in the academic year 2018-19 but finding the large number of girl aspirants opting to stay in girls hostel, a decision was taken by the competent authority that on account of acute shortage, the petitioner had been asked to vacate the hostel within a period of one week.

It is further averred that number of total students who are affected are two. It is further averred that no right is vested in the petitioner to claim the hostel facility as it is not regulated by the rules and procedure for Ph.D programme applicable to 2010-2011 onwards which is the part of the prospectus of academic year 2011-12 issued by the Punjab Engineering College (deemed to be University), Chandigarh.

All that has been pointed out by the petitioner is that in clause 11 of 4.3 of Rules and Procedures for Ph.D. Programmes it is mentioned that “ There is no residency requirement for local Ph.D candidates (both full time as well as part-time) who are residing within 50 Km.of PEC.”

According to this provision, the Ph.D candidate who is residing within 50 K.Ms may become a day scholar but a candidate who is residing more than 50 K.Ms away has to be a resident.

Be that as it may, learned counsel for the respondents has submitted that there is mis-reading on the part of the petitioner of the notice because it contains two parts. According to him, first part is in regard to the students who have completed four years degree from the date of registration and the other is about the students who have converted their degree from

full time to part time but the petitioner has not converted from full time to part time.

It is also submitted by the respondents that out of five students three are not residing in the hostel and the hostel is being occupied by two students and notice has been issued to other students as well but no one has challenged the same.

I have heard learned counsel for the parties and perused the paper book and am of the view that there is no merit in the present petition as no legal right of the petitioner has been violated by the respondents. The petitioner has only prayed for equity to continue in the hostel till completion of her Ph.D. The Court has to look into all aspects of the matter, especially in regard to the difficulties being faced by the University in managing the affairs of the hostel facility. It has been decided by the University that hostel would not be provided to the students who had completed four years of their tenure after the date of registration on the analogy that they would get scholarship for a period of four years. It is also decided by the University that keeping in view the large number of girl students, the hostel facility has become scarce. Therefore, the students who are occupying the hostel from the last six years i.e. from the year 2012 have been asked to march out.

There is no error on the part of the respondents in passing the impugned order. Therefore, there is no reason to interfere in the present petition. The same is accordingly dismissed.

On the request of learned counsel for the petitioner, the petitioner is granted one week's time, which is counted from today, to search for an alternate accommodation.

It is made clear that after completion of one week the petitioner should hand over the vacant possession of the hostel to the concerned authority.

(RAKESH KUMAR JAIN)
JUDGE

July 30, 2018
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No