

CWP NO.667 OF 2017(O&M)

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Sr.No.203

IN THE HIGH COURT OF PUNJAB AND HARYANA CHANDIGARH

CWP NO.667 OF 2017(O&M)

Date of Decision: 07.08.2018

Jawahar Lal Dwivedi and othersPetitioners

versus

Kurukshetra University and othersRespondents

**CORAM HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present Mr.Surender Pal, Advocate for the petitioners.
Mr.Amarjit Singh Virk, Advocate for respondents.

MAHESH GROVER, J(ORAL)

The present writ petition has been filed by the petitioners under Article 226 of the Constitution of India for issuance of writ in the nature of certiorari to quash the notification dated 15.12.2016 disallowing the petitioners from appearing in their Pre-Ph.D course work.

There are three petitioners before us who were admitted to the Ph.D requiring six months compulsory course work. We may extract condition no.9(a) and 9(b) here below:-

*“**9(a)** The course work is compulsory for all students (except M.Phil students exempted by the UGC as given in Clause 7.8(c). They shall be required to undertake specified Course Work which will be for a minimum period of one semester and will commence as per schedule notified by the University.
The course will be treated as Pre-Ph.D course. 50% attendance for the course work will be compulsory during the whole semester, however, 15% attendance may be condoned by the Dean Academic Affairs on the recommendations of the Director/Chairperson of the concerned Institute/Department*

through its Dean of Faculty. xxxxxxxxxxxx

9(b) On fulfillment of the condition of the attendance, the student will be required to qualify the Course Work examination as under:

“Syllabi and other details for the Course Work test shall be framed by the Departmental Ph.D Committee. Xxxxxxxx.”

The petitioners tried to make out a case for themselves by projecting to the Court that all of them fulfilled the requirement of 50% attendance except for one who has marginally short but having conformed to the extract above, they were entitled to appear in the examination after completion of the course work.

Learned counsel for the University, however, points out that question of attendance is not germane to the issue at all. What is in question is the fact that the petitioners were in employment. They were required to be present in Kurukshetra for a period of one year.

It has been argued by the learned counsel for the university that what they have demanded from the petitioners is a proof of their leave for the entire duration of the Pre-Ph.D course vide the letter dated 23.12.2016. The impugned letter dated 15.12.2016 is a notification dis-entitling the petitioners to pursue their Pre Ph.D course simultaneously with their job. For the purposes of reference, the relevant portion of this notification is extracted here below:-

“ The Vice Chancellor has taken a serious view of it and ordered that the Assistant Professors working on contract basis in the University cannot pursue the Pre-Ph.D course work simultaneously with their job as notified vide Ends. No. ET-8/2016-17/3824-883 dated 01.12.2016. The candidates who are working in other outside institutions/offices and

simultaneously pursuing Pre-Ph.D course work will also have to purchase the “No Objection Certificate” from their department/offices along with proof of leave sanctioned to them for pursuing Pre-Ph.D course work strict compliance of these instructions are to be got made by the Chairpersons/Directors/Principals of maintained colleges.”

That apart, it has been brought to our notice that one of the petitioners i.e petitioner no.2 furnished wrong information at the time of seeking admission to the Pre-Ph.D course. There is an affidavit on record where he admits that he is working as Asstt. Professor in the Maharishi Markandeshwar University, Mulana, Ambala on regular basis. To the similar effect is certificate issued by the University. He categorically stated in his form denying his employment. For the purposes of reference, relevant question and the information supplied is extracted here below:-

“10 Whether employed (Yes/No).....If employed, mention the name of the office/Institution and Designation.”
The petitioner made tick mark on No.

The other two petitioners no.1 and 3 although furnished the correct information yet they gave a categoric undertaking to the following effect:-

“That I will undertake specified course work for a minimum period of one semester. During this period, I will remain present in the department for course work and will not do any job in any office / sector or practice in any Court.”

We have heard the learned counsel for the parties and are of the opinion that no indulgence can be shown to the petitioners. They are

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aspirants of doctorate degree in law and have furnished wrong information / undertaking to the University to seek the benefit of the Court to Pre-Ph.D course. This singular fact dis-entitles the petitioners to any further indulgence.

We, as a court, cannot find anything wrong with the stand of the University when the candidates furnished wrong information to gain undue advantage to themselves. All the petitioners having done so are not entitled to any equitable relief particularly when they have no justifiable reasons to discard the case of the University against the petitioners.

No ground for interference is made out.

Dismissed.

(MAHESH GROVER)
JUDGE

07.08.2018
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No