IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CM No. 13793-94 of 2018 in/and
CWP No. 7512 of 2018 (O & M)
Date of Decision: 28.9.2018

Naresh Kumar .....Petitioner

v.

Central University Haryana and another .....Respondents

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

Present:- Mr. J.S. Thind, Advocate, for the petitioner

Mr. S.S. Kharab, Advocate, for the respondents

MAHESH GROVER, J. (Oral) :

CM No. 13793 of 2018 :

Allowed as prayed for.

CM No. 13794 of 2018 :

This is an application filed by the respondents for placing on record the documents Annexures R-1/1 to 1/5.

For the reasons mentioned in the application, the same is allowed. Documents annexed with the application are taken on record.

CWP No. 7512 of 2018 (O & M) :

This is a writ petition filed under Articles 226/227 of the Constitution of India, wherein the petitioner prays for issuance of a writ in the nature of mandamus, directing the respondents to conduct in-camera interview of the petitioner, in the presence of qualified persons of some

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other university/institute having fair knowledge.

He further prays that he be admitted to Ph.D. Statistics Program against the seat intended for OBC quota, which remains vacant. The petitioner appeared in the Ph.D. Entrance Test in the Statistics subject. According to him, he attained the first position. He also asserted that he has a brilliant academic record having obtained 8 out of 10 marks in the interview of M.Phil and 75% marks in the M.Sc. Total number of seats available for the Ph.D. Course are five. The petitioner was declared 'not suitable' in the process that concluded in March 2017. One Hitesh Chawla was granted access to the course in July 2017. His candidature was subsequently cancelled. The petitioner approached this Court by way of present writ petition in March 2018. The University has filed its reply.

During the course of arguments, Learned counsel for the petitioner reiterated the assertion of his good academic record and argued that this is only on account of mala fide of the Committee that he was ousted from the process and declared 'not suitable'. Through an application under Order 1 Rule 10 CPC moved subsequently, he has sought to implead Professor Amar Nath Gill and Anil Gaur, Head of Statistics Department, Central University Haryana.

We notice from the body of the petition that no allegation of mala fide has been levelled against these two persons sought to be impleaded. In the absence of any specific mala fides, their presence before us as party respondent, would be meaningless. We would, therefore, discard this plea of the petitioner, as he has failed to level specific allegations of mala fides that would require the presence of these two academicians before us. The application i.e. CM No. 7015 of 2018 is dismissed.

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We have perused the reply filed by the University and Annexure R1/5 discloses the reason for not enabling the petitioner to Ph.D. Course, relevant of which is extracted here below :-

> "He could not explain any technical part of the synopsis so much he could not tell the variables involved in the model of his synopsis on which he has to collect the data. He could not tell even the name of a single book he studied during his M.Sc. Programme. The state of subjective knowledge was so poor that he could not define the sample space and expected value of a random variable. He could not explain the preliminary applications of basic statistical distributions like uniform, exponential, hypergeometric. With these observations the committee members were of the view that the candidate cannot pursue the research work with such poor knowledge of the subject. This department is new one and induction of such candidates in the Ph.D. Programme will be prejudicial to the academic performance of the department.
>
> Therefore, the committee does not recommend his admission in the Ph.D. (Statistics) programme.

Reply filed by the University also states that the petitioner was not found upto the mark.

After hearing learned counsel for the parties, we are clearly of the opinion that in the absence of any mala fides, there would be no reason to view the process with suspicion. The respondents have disclosed sufficient reasons for not enabling the petitioner to the Ph.D. Course. We also notice that even though the admission process of Mr. Yadav was concluded in July 2017, the petitioner approached this Court in March 2018 and in matters of admission, such delay assumes significance. Besides, we also notice that the petitioner participated in the process in the year 2018 also unsuccessfully.

Taking all the facts into consideration cumulatively, we are of

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the opinion that the petition holds no merit and the same is hereby dismissed.

(MAHESH GROVER)
JUDGE

(MAHABIR SINGH SINDHU)
JUDGE

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Speaking/Reasoned Yes/No
Reportable Yes/No

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