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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 7866/2018**

ATUL KUMAR SHARMA

..... Petitioner

Through Mr Mithilesh Kumar, Ms Mamilan Sidhu,
Ms Nupoor Maharaj, Advocates.

versus

UNIVERSITY GRANTS COMMISSION

THROUGH CHAIRMAN

..... Respondent

Through Mr Avanish Rathi, Ms Nidhi Mittal,
Advocate for Mr Apoorv Kupur, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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30.07.2018

CM 30171/2018

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 7866/2018 & CM No. 30170/2018

3. The petitioner has filed the present petition being aggrieved by the decision of the respondent (UGC) in removing the journals – four in number – published by the petitioner from the list of the accredited journals. The details of the said journals are as under:-

UGC Lit Serial Number	Print	Online	Tital Of Journal
47721	2319-8346	2319-8354	International Journal of Advance Research in

			Science and Engineering
47713		2348-7550	International Journal of Advanced Technology in Engineering and Science
48214	2394-1529	2394-1537	International Journal of Science, Technology and Management (IJSTM)
48150	2321-2047	2321-2055	International Journal of Electrical and Electronics Engineers (IJEET)

4. On 02.05.2018, UGC published a list removing 4305 Journals from the list of UGC approved Journals. The petitioner's grievance is that the petitioner has not been informed of any reason for such removal and, further, he has not been afforded any opportunity to meet any allegation or render any explanation regarding the grounds on which the said Journals have been removed from the list of accredited journals.

5. The learned counsel appearing for petitioners has drawn the attention of this Court to an order passed by a Coordinate Bench of this Court on 23.05.2018 in W.P.(C) 5570/2018 captioned "***Amit Educational and Social Welfare Society (Regd.) and Anr. v. University Grants Commission***". The relevant extract of the said order reads as under: -

"2. The petitioners' grievance is that even though while approving his journals, a rigorous procedure as established under the guidelines as framed by the University Grants Commission (UGC) was followed, however, for removal of their journals from the approved list even the bare minimum safeguard such as issuance of notice etcetera was not adhered to. In other words, the contention is that the impugned notification is violative of the principles of natural justice.

3. My attention in this behalf has been drawn to the UGC

notification dated 11.7.2016, which required the concerned university to identify the journals, *albeit*, subject-wise via an expert committee and thereafter, have its recommendation forwarded to the UGC in the prescribed format for approval by the UGC standing committee.

4. According to the petitioners, this procedure was followed and, as indicated above, its journals were approved. However, it seems via the impugned notification dated 2.5.2018, the petitioners' journals which form part of 4,305 journals, have been removed on grounds of poor quality, insufficient information as also false claims contained therein.

4.1 Learned counsel for the petitioners says that no specific allegations were made known and therefore, the impugned notification has affected all and sundry without the concerned party being any wiser as to the charge levelled against it.

5. My attention has also been drawn to annexure P-12 at page 167 of the paper book, whereby, the UGC now seems to have realised the impact of the impugned notification and has, thus, advised that the complaints be routed through the concerned Universities.

6. Mr. Sinha, who, appears on an advance notice on behalf of the respondent/UGC, says that since the petitioners have preferred a representation dated 3.5.2018, it could be considered and the writ petition could be disposed of on that basis.

7. Accordingly, the writ petition is disposed with the direction to the respondent/UGC to consider the representation of the petitioners within two weeks from the date of receipt of the copy of the order.

8. The respondent/UGC will accord a personal hearing to the petitioners.

9. Prior to granting a personal hearing in the matter, a show cause notice will be issued indicating herein as to what are the

specific deficiencies which mar the petitioners' journals.

10. Opportunity will also be given to the petitioners to file a reply to the said show cause notice.

11. The concerned authority under the respondent/UGC will pass a speaking order; a copy of which will be furnished to the petitioners.

11.1 In case the petitioners are still aggrieved, they will have liberty to assail the same.

12. It is also made clear that if the respondent/UGC is not able to conclude the adjudication of the show cause notice in the period indicated above, then, the position as it obtained prior to the issuance of the impugned notification, i.e. 2.5.2018 shall stand restored vis-avis the petitioners.

13. Pending application shall also stand closed.

14. *Dasti.*"

6. The learned counsel appearing for the respondent states, on instructions, that the petitioner would also be given a similar opportunity of being heard as directed in the case of ***Amit Educational and Social Welfare Society (Regd.) and Anr. (supra)***. He further requests that the time period of two weeks, as provided to UGC to complete the process, is insufficient and the same may be extended to four weeks.

7. In view of the above, the present petition is disposed of on the similar terms as in the case of ***Amit Educational and Social Welfare Society (Regd.) and Anr. (supra)***. It is directed that UGC shall issue a show cause notice indicating the reasons as to why the Journals published by the petitioner have been removed from the list of accredited Journals. UGC shall also afford the petitioner full opportunity of filing a reply and due

opportunity to be heard. UGC shall, thereafter, pass a speaking order, a copy of which shall be furnished to the petitioner. It is further directed that the aforesaid process be completed within a period of four weeks from today.

8. It is also clarified that if UGC is unable to complete the process within a period as indicated above, the position as existing prior to 02.05.2008 shall stand restored. In other words, the four Journals as mentioned above will form a part of UGC approved Journals.

9. Needless to state that if the petitioner is aggrieved by any orders passed by the UGC, it would be open for the petitioners to avail such remedies as available in law.

10. The petition is disposed of in view of the above terms. The pending application also stands disposed of.

11. Order *dasti* under signature of Court Master.

VIBHU BAKHRU, J

JULY 30, 2018

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