

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP-30155-2018 (O&M)
Date of Decision:16.05.2019**

Neelam Kumari

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. R.P.S. Garttan, Advocate for the petitioner.

Mr. A.S. Virk, Advocate for respondents No.3 to 5.

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TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner was registered for the Ph.D. Programme by the P.G. Board of Studies in Commerce under the Kurukshetra University as per decision taken in its proceedings held on 26.03.2014.

Challenge in the instant petition is to the communication dated 15.05.2018 (Annexure P-5) issued by the Chairperson, Department of Commerce, Kurukshetra University informing the petitioner that her application seeking change of Guide/Supervisor has been declined.

Counsel submits that the petitioner was pursuing the Ph.D. Degree under Supervisor/Guide, Dr. Jaswinder Kumar, Associate Professor of Commerce, University College, Kurukshetra but the Supervisor never signed the progress report and harassed the petitioner by stating that he has a number of students for research work. Further urged that it was on account of non-cooperative attitude and lack of interest in the petitioner's research work and activity at the hands of the Supervisor/Guide that the request had

been made for a change. Counsel argues that action of the respondent/University is manifestly unjust and unfair as on 19.09.2017, the Chairperson of the Department of Commerce, Kurukshetra University had rejected the application for request of the petitioner for change of Guide without even placing the same before the Board of Studies of the University. It is further submitted that after rejection of the request of the petitioner, a request was made directly to the Vice Chancellor of the University for change of Supervisor/Guide and on 05.04.2018, a letter had been issued by the Chairperson, Department of Commerce informing her that if she was interested in changing the Ph.D. Supervisor, she would have to obtain the written consent of some other Supervisor/Guide and who is ready to take upon such role in the field of specialization of Ph.D. topic of the petitioner. It is contended that on 13.04.2018, the petitioner had responded by submitting a consent given by Dr. Virender Singh Poonia, Associate Professor, Department of Commerce and inspite thereof, the impugned communication rejecting the request of the petitioner dated 15.05.2018 (Annexure P-5) has been issued. It has further been submitted that the petitioner is handicapped/disabled and suffers from 85% disability element and under such circumstances, a lenient view ought to be taken.

Per contra, Mr. A.S. Virk, learned counsel representing the respondent/University would submit that the Ph.D. Programme is governed by the ordinance for Doctorate in Philosophy issued by the Kurukshetra University. As per the ordinance, a student is required to submit the thesis within a period of four years from the date of registration for the Ph.D. Programme by the Board of Studies. However, in case the student fails to

submit the thesis within the prescribed period, he/she can apply for extension to the concerned Chairperson by citing reasons for non submission of the thesis failing which the registration for the Ph.D. Programme would stand automatically cancelled. Such period of four years is extendable in exceptional cases by a maximum of two years and that too, on an yearly extension on the recommendations of the Supervisor/Guide. On behalf of the University, it is submitted that the petitioner was registered for the Ph.D. Programme on 26.03.2014 and as such, she was required to submit thesis within four years i.e. by 25.03.2018. However, she had failed to submit her thesis and moved an application dated 22.02.2018 for extension. On such application, comments from the Supervisor/Guide were sought and who did not recommend her for extension of the period. The Departmental Ph.D. Research Committee in its meeting held on 19.03.2018 did not take a decision with regard to extension and as such extension had not been approved/recommended by the Supervisor. Thereafter petitioner had moved another application seeking extension of period and which was forwarded by the Supervisor on 24.03.2018. The same having been placed before the Departmental Ph.D. Research Committee in its meeting held on 26.03.2018, an extension for a period of one year i.e. upto 25.03.2019 was granted. Counsel contends that even such extended period for submission of thesis has expired and as such, the prayer for change of Supervisor/Guide does not even survive.

Counsel for the parties have been heard at length and pleadings on record have been perused.

It may be noticed that request of the petitioner seeking change

of Supervisor/Guide was rejected first in point of time on 19.09.2017. The contention raised by counsel that such rejection was at the hands of the Chairperson of the Department of Commerce of the University without even placing the same before the Board of Studies is factually incorrect. Perusal of the document at Annexure R-3/4 along with reply filed on behalf of the University would clearly indicate that the matter had been taken up for consideration in a meeting of the Departmental Research Committee on 18.09.2017 and wherein the Committee had unanimously resolved as under:

“There is no substantive reason for change of Guide, hence not allowed.”

Apparently, the petitioner thereafter had made a second request vide application dated 20.03.2018 to the Vice Chancellor requesting for change of Supervisor/Guide. At that stage, the petitioner was called upon to obtain written consent of any other Professor who may be ready to supervise her research work in the field of her specialization for her Ph.D. topic. An application dated 13.04.2018 was then submitted by the petitioner taking consent of Dr. Virender singh Poonia, Associate Professor, Department of Commerce. Since the decision as regards change of Guide was within the domain of the Departmental Ph.D. Research Committee accordingly comments of the Supervisor were also sought. The Supervisor vide comments dated 24.04.2018 had specifically observed that research work of the petitioner was not satisfactory. Matter thereafter was taken up for consideration before the Departmental Ph.D. Research Committee and the Committee reiterated the previous decision already taken and having not found any substantive reason for change of Guide when the petitioner was already working on extended period for completion of research work,

declined request for change of Guide/Supervisor.

Petitioner does not dispute that it is the Departmental Ph.D. Research Committee which is empowered to take a decision as regards change of Guide/Supervisor. Petitioner has not laid any challenge as regards the constitution of the Committee which has taken the impugned decision. It is not even the case of the petitioner that the decision to decline change of Supervisor/Guide is vitiated by malafides. Under such situation, there would be no basis for this Court to take a different view and to substitute its own opinion as opposed to the Departmental Ph.D. Research Committee as regards change of Guide/Supervisor. In academic matters, this Court would leave the decision to the hands of the experts and would interfere only if the decision under challenge suffers from any patent infirmity or illegality. That is not the case made out in the facts and circumstances of the present case.

Even though certain allegations and assertions with regard to harassment and non-cooperative attitude have been made against the Guide Dr. Jaswinder Kumar but such aspect cannot be gone into as Dr. Jaswinder Kumar has not even been arrayed as a party respondent.

In an overview of the matter, no interference is warranted.

Petition is dismissed.

16.05.2019*harjeet***(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |