

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

C. W.P. No.4814 of 2018

Date of Decision:- 03.07.2019

Jasveer Rana

....Petitioner

vs.

Deanbandhu Chhotu Ram University of
Science and Technology, Murthal and others

....Respondents

**CORAM:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY
HON'BLE MR. JUSTICE SUDHIR MITTAL**

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

Mr. Ketan Antil, Advocate,
for respondents No.1 to 3.

SUDHIR MITTAL, J.

The petitioner was an applicant for Ph.D. seats advertised by the Department of Humanities of the Deanbandhu Chhotu Ram University of Science and Technology, Murthal (hereinafter referred to as the 'respondent-University'). He was unsuccessful but respondents No.4 and 5 were selected. In the present writ petition, he has challenged the selection process on account of alleged violation of Clause 5.9 of the University Ordinance and Regulations for the degree of Doctorate in Philosophy. Consequently, the selection of respondents No.4 and 5 is sought to be quashed and it is prayed that the respondent-University be directed to admit the petitioner to the aforementioned course.

On 23.12.2016, an advertisement was issued by the respondent-

University inviting applications for four seats in the Ph.D. Programme of the Department of Humanities. The petitioner and respondents No.4 and 5, among others, applied for the full time course. On 19.1.2017, respondents No. 4 and 5 made separate applications for consideration of their candidature for the part-time course only. The said applications were forwarded by the Chairperson of the Department of Humanities to the Departmental Research Committee (hereinafter referred to as 'the DRC') for favourable consideration. Entrance examination was held on 20.1.2017. The petitioner cleared the entrance examination as did respondents No.4 and 5 and were interviewed by the DRC on 23.1.2017. A merit list dated 3.2.2017 (Annexure P-7) was displayed, in which respondent No.5 was shown at No.2 in the part time course, respondent No.4 was shown at No.2 in the full time course and the petitioner was shown at No.3 in the full time course. Four seats being available, both respondents No.4 and 5 were granted admission on 19.7.2017 as is evident from office order annexed as Annexure P-10. The petitioner challenged the aforementioned admission vide CWP No.25023 of 2017 which was disposed of vide order dated 3.11.2017 with a direction to the Vice Chancellor of the respondent-University to examine the grievance of the petitioner. Upon examination, order dated 6.12.2017 (Annexure P-14) has been passed in which it has been mentioned that the petitioner was not selected having scored less number of marks than respondents No.4 and 5 and that the selection of respondents No.4 and 5 was made in accordance with the University Ordinance and Regulations. Thus, the present writ petition has been filed.

Detailed reply has been filed on behalf of the respondent-University as well as respondent No.4. The stand of the respondent-University is that the University Ordinance and Regulations have not been violated in any manner. Both the private respondents have been selected on the basis of merit. The application of respondent No.4 for consideration for the part-time course was not

accepted as she did not submit any proof of being in employment. Respondent No.5, on the other hand, was considered in the part time category as she had submitted proof of employment. Further, she was considered in the Haryana Open General Category as she had passed her Masters Degree from the respondent-University itself. It has also been averred that the selection process for the Ph.D course was referred to a committee for scrutiny and that the report of the said committee is awaited. During the pendency of the writ petition, report dated 10.8.2018 of the said committee, has been placed on record as Annexure R-3 and the selection conducted by the DRC has been found to be in order. It has also been opined that the selection was made strictly in accordance with the merit.

The primary argument of learned counsel for the petitioner is that clause 5.9 of the University Ordinance governing admission of Ph. D candidates has been violated. In this regard, reliance has also been placed upon letter dated 19.7.2017 issued by Dr. Rekha (one of the Members of the DRC), in which she has aired her grievance that her opinion was not sought while making the admissions. Accordingly, she has refused to supervise any of the admitted students.

Learned counsel for the respondent-University supports the admission process and reiterates the stand taken in the written statement.

Clause 5.9 of the University Ordinance is reproduced below:-

“5.9 The DRC/CRC after due assessment/examination of the candidate's requisite qualification, research aptitude and area of research interest and taking due note of vacancy available in the research area and consent of the supervisor will prepare a merit list on the basis of criteria given above (5.8). This should commensurate with the seat matrix prepared by the

DRC/CRC.”

From a perusal of the said clause, it is abundantly clear that the admission is to be governed by a merit list prepared by the DRC which is required to assess the candidates on the basis of their qualification, research aptitude and area of research interest on the basis of criteria given in clause 5.8. The consent of the Supervisor may also be taken while preparing the merit list. Clause 5.8 provides the weightage to be given to the different criteria while evaluating/assessing a candidate. The same is also reproduced below:-

“5.8 While preparing the merit weightage shall be given by the Department or Centre according to the following criteria:

- i. 30% for the marks in the Master's Degree examination
- ii. 15% for the marks in the Bachelor's Degree examination
- iii. 40% for the marks in the Entrance Test. 40 marks for candidates otherwise exempted from entrance test.
- iv. 15% for the marks in the seminar/presentation/interview to be conducted by the respective DRCs/CRCs.”

It is, thus, apparent that candidates are required to be granted admissions on the basis of their *inter se* merit determined on the basis of assessment made in accordance with the criteria prescribed. Learned counsel for the petitioner has not been able to show that the admission was not made in accordance with the merit or that the merit list was wrongly prepared. His only contention is that consent of the Supervisor was not taken while preparing the merit list as is evident from letter dated 19.7.2017 Annexure P-9. This letter appears to be the result of some internal disharmony in the DRC. The stipulation regarding consent of a supervisor does not appear to be of such a nature as to vitiate the admission process. Even in the letter Annexure P-9, Dr. Rekha did not mention that the candidates were not properly assessed or that the merit list was

improperly prepared. Thus, it has to be held that the selection was made in accordance with the provisions of the University Ordinance and on the merits of respective candidates. Assuming that consent of Dr. Rekha was not obtained, another Supervisor may have been appointed or Dr. Rekha herself may have been pacified. This is evident from the fact that the admitted candidates have almost completed their course as their course work is over. This is being observed on the basis of a categorical assertion in this regard made by learned counsel for respondent-University.

Keeping in view the fact that the admission has been made strictly in accordance with the merit and that two years have elapsed since the date of admission and the course is nearing completion, no relief can be granted to the petitioner.

The writ petition is accordingly dismissed.

(DAYA CHAUDHARY)
JUDGE

(SUDHIR MITTAL)
JUDGE

July 03, 2019
poonam

Whether speaking/reasoned **Yes**

Whether reportable **Yes**