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

+ **W.P.(C) 255/2019**

DR. A. H. ANSARI AND ORS.

..... Petitioners

Through: Mr Ragib Gayyur and Mr T. A. Khan,
Advocates.

versus

UNIVERSITY GRANTS COMMISSION

..... Respondent

Through: Mr Apoorv Kurup and Mr A. C.
Boxipatro, Advocates for UGC.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **14.01.2019**

CM No.1236/2019

1. Allowed, subject to all just exceptions.

W.P.(C) 255/2019 & CM No. 1235/2019

2. Issue notice. The learned counsel appearing for the respondent accepts notice.

3. The petitioners have filed the present petition being aggrieved by the decision of the respondent (UGC) in removing the petitioners' Journals from the list of accredited Journals. It is stated that the petitioners' Journals titled as "*Journal of Ultra Chemistry, Ultra science of Physical Science A, Ultra science of Physical Science B, Journal of chemistry and chemical Sciences, Business Dimension, Indian Journal of Applied and Pure Biology*". It is stated that the said Journals were included in the list of accredited Journals notified by UGC.

4. On 02.05.2018, UGC published a list removing 4305 Journals from

the list of UGC approved Journals. The petitioners' grievance is that the petitioners have not been informed of any reason for such removal. Further, they have also had no opportunity to meet any allegations or the grounds on which such Journals have been removed.

5. The learned counsel appearing for the parties state that this Court had considered a similar issue in W.P.(C) 7190/2018 captioned ***Kirti Aggarwal & Anr. v. University Grants Commission (UGC)***, which was disposed of on 13.07.2018. They request that the present petition be also disposed of in terms of the aforesaid order. However, the learned counsel appearing for the respondent states that instead of four weeks as granted to the UGC to complete the process, a period of eight weeks be granted.

6. This Court had in its order dated 13.07.2018 passed in ***Kirti Agarwal & Anr. v. University Grants Commission (UGC): W.P.(C) 7190/2018*** had referred 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.) & 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.*”

7. In view of the above, the present petition is disposed of by directing UGC to issue a show cause notice indicating the reasons why the Journals published by the petitioners have been removed from the list of Journals. UGC shall also offer the petitioners full opportunity of filing the reply and due opportunity to be heard. UGC shall thereafter, pass a speaking order, a copy of which shall be furnished to the petitioners. The aforesaid process be completed within a period of eight 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 two Journals published by the petitioners as mentioned above will form a part of UGC approved Journals.

9. Needless to state that if the petitioners are 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

**JANUARY 14, 2019
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