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

Date of Decision: 6th November, 2019

+ W.P.(C) 5140/2016

M. ARSHAD PARVEZ AND ANR Petitioners

Through: Mr. Karan Sinha, Adv. for P-2

versus

MINISTRY OF HUMAN RESOURCE DEVELOPMENT AND ORS

..... Respondents

Through: Mr. Sarat Chandra, Adv. for R-1

Mr. Ravinder Agarwal, Adv. for UGC

Ms. Ginny J. Rautray, Ms. Anushka Ashok &

Mr. Navdeep Singh, Adv. for R-3

Mr. Fuzail Ahmad Ayyubi, Mr. Ibad Mushtaq &

Ms. Aditi Gupta,, Adv. for R-4

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT

D.N. PATEL, Chief Justice (Oral)

1. This writ petition has been preferred with the following prayers:

"I. Direct the Secretary, Department of Higher Education, Ministry of Human Resource Development, Union of India - Respondent no. 1 to get examined and place a report of an independent Turkish Language Expert from a competent agency with respect to the intellectual plagiarism which has been indulged in by the Respondent no. 4 vis-a-vis his book titled as "A New Approach to Turkish Language Learning" claimed to be authored by him and also the dissertation/thesis of M.A. in Turkish Language & Literature submitted by Respondent No. 4 for the award of Master Degree in Turkish Language and Literature.

II. Pass such other or further order as may be deemed fit and proper in the facts and circumstances of the case and in the interest of justice, may also be passed.”

2. We have heard the counsel appearing for both the sides. Counsel appearing for the petitioner No.2 submitted that respondent No.4 has been appointed as an Assistant Professor in Turkish Language in Jawaharlal Nehru University but he was not qualified for the said post. It is further submitted by the counsel for petitioner No.2 that respondent No.4 has published a book “A New Approach to Turkish Language Learning” and there is a serious issue of plagiarism and, therefore, the record of appointment of respondent No.4 may be called and his appointment may be cancelled by this Court.

3. We have heard the counsel appearing for respondent No.3 – Jawaharlal Nehru University. He has submitted that a detailed counter affidavit has been filed and it has been stated clearly that respondent No.4 possessed requisite qualifications for the post of Assistant Professor in Turkish. Moreover, on the allegation of plagiarism, an inquiry was conducted by a multi-member committee, details whereof have been given along with the counter affidavit filed by respondent No.3 and the multi-member committee after holding its meeting have drawn a conclusion that a charge of plagiarism upon this respondent No.4 has no merit.

4. Counsel appearing for respondent No.3 has taken this Court into details of the inquiry report dated 20th March, 2015 which is annexed with a counter affidavit. It is also submitted by the counsel for respondent No.3 that in pursuance of the advertisement published in the year 2013, respondent No.4 appointed, in the year 2015, on the post of Assistant

Professor in Turkish at the Jawaharlal Nehru University. Prior thereto, he was also a Guest Lecturer. As he was fully qualified and thus appointed on the same post, this petition cannot be entertained.

5. Having heard the counsel for both sides and looking to the facts and circumstances of the case, it appears that respondent No.3 published an advertisement inviting applications for the post of Assistant Professor in Turkish. For the ready reference the qualification for the post in question reads as under:

*“29 Assistant Professor in Turkish (Unreserved)
(i) M.A. in Turkish Language & Literature OR M.A. in allied subject with at least an Advanced Diploma in Turkish; (ii) M.Phil/Ph.D. in Turkish or allied subject is desirable (iii) Preference will be given to candidates with experience of teaching Turkish language.”*

6. It further appears from the facts of the case that respondent No.4 is an M.A. in Turkish Language & Literature from Social Science Institute, Ataturk University, Erzurum, Republic of Turkey. Moreover it further appears from the facts of the case that respondent No.4 was earlier a Guest Lecturer in Turkish language with the Jawaharlal Nehru University. Moreover, upon the allegations of plagiarism, an inquiry committee was also constituted by the Jawaharlal Nehru University and a report dated 20th March, 2015 has been given by the multi member committee. Copy of the said inquiry report has also been annexed with counter affidavit filed by Jawaharlal Nehru University. Para 5 of the said inquiry report reads as under:

“5. Going through the two reports the members unanimously agreed that the book is not a comprehensive, theoretical grammar book, nor does the writer claim so. The title of the book claims it to be a new approach to learn Turkish grammar. The book doesn't follow the traditional pattern and this departure by the writer, reveals that he has not followed conservative and traditional pattern in approaching grammar writing. The writer has focused on practical aspects of grammar and learning of spoken Turkish language by Indian students.

There are no marked repetitions or borrowing from other books in the main theme, except the formulae and formats. Arid repetitions of formulae and formats in any grammar book or their explanations cannot come under the purview of plagiarism, The allegation, if any needs to be summarily rejected.”

7. In view of the aforesaid inquiry report, the allegations of plagiarism upon the respondent No.4 has no merit at all. There is no substance in the said allegation. In view of the aforesaid facts, the respondent No.4 was fully qualified to be appointed on the post of Assistant professor in Turkish language. Moreover, there is also no substance in the allegation of plagiarism, hence, we see no reason to entertain this writ petition and the same is therefore dismissed.

8. With the aforesaid observation, this writ petition stands disposed of.

CHIEF JUSTICE

C.HARI SHANKAR, J

NOVEMBER 06, 2019

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