

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18802 of 2019

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1. Sudhanshu Kumar Abhisheka S/o late Hazari Lal Gupta Resident of Mohalla- C/o Pamod Kumar, Triveni Niwas, 2nd Floor, Flat No. 202, R.K. Avenue Road, P.S.- Kadamkuan, Rajendra Nagar, Distt.- Patna
 2. Amit Kumar S/o Late Ras Bihari Pandey Resident of House No. 65, Chasma Gali, Magadh Colony, Kurji, P.S. - Patliputra, Distt.- Patna
 3. Kalpana Kumari D/o Late Uday Pratap Singh Resident of Amand Bhawan, Pustakalaya Lane, Near Shiv Mandir, East Lohanipur, P.S.- Kadamkuan, Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Higher Education Department, Bihar, Patna
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna
3. The Vice Chancellor, Patna University, Patna
4. The Registrar, Patna University, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Binod Kumar Mishra
For the State	:	Mr.Ashutosh Ranjan Pandey (AAG15)
		Mr. Rakesh Narayan Singh, A.C. to A.A.G.15
For the Patna University :		Mr. Sandeep Kumar
		Mr. Rohit Raj

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

8 27-02-2020 Heard learned counsel for the petitioners and the learned counsel for the Patna University as well as learned counsel for the State.

The sole question arises for consideration in this writ petition is “whether the petitioners are entitled to be registered in Ph.D. course in Hindi or its allied subjects such as Mass Communication and Journalism on the basis of the result of pre-Ph.D. Examination, 2013 published in the year 2015?”



The facts which are admitted and relevant are that all the petitioners appeared in pre-Ph.D. Test, 2013 conducted by the Patna University, the result of which was published in the year 2015 and the petitioners were declared pass. The examination was held in accordance with the provision of Regulations 2009. The petitioners approached the University for registration in Ph.D. in Mass Communication through Hindi Department. Deputy Registrar, Patna University informed the Dean, Faculty of Humanities, Patna University, Patna vide letter No.2971 dated 15.07.2015 that Post Graduate Research Council (Faculty of Humanities), Patna University at its meeting held on 11.07.2015 has resolved to reject/refer back the application form of the following candidates as per the details mentioned against their names. Dy. Registrar, Patna University informed the Dean, Faculty of Humanities, Patna University vide letter No.2635 dated 29.06.2015 with the list of the candidates for registration who cleared pre-Ph.D. Examination. The University issued revised details of the programme of Session 2019-20 in which Mass Communication is merged with the Hindi Department.

Learned counsel for the petitioners submits that petitioners kept on representing the University but the petitioners did not get registration in Ph.D. Course.



Subsequently, the University also held examination for registration in Ph.D. Course in the year 2019 after coming into effect the new Regulations, 2016. It is further submitted that one Amit Kumar was admitted in Ph.D. course but till date on one pretext or other, the petitioners have not been registered for Ph.D. course in Mass Communication and Journalism which are already made as allied subjects of Hindi. It is further submitted that when the University subsequently changed the criteria for registration in Ph.D. course in view of the advertisement dated 25.01.2018, Rakesh Kumar and Pushkar Kumar approached this Court and a Bench of this Court by order dated 26.03.2019 passed in C.W.J.C. No.13693 of 2018 disposed of writ petition with a direction to conduct the examination in accordance with the earlier advertisement dated 25.01.2018 and the procedure mentioned in the earlier notification issued by the Governor's Secretariat, Bihar on 21.09.2017, containing the Regulations but even then the University did not register the petitioners in Ph.D. course.

The University filed counter-affidavit. Learned counsel for the University submits that earlier pre-Ph.D. registration Examination was conducted under the provisions in a BSU-05/2010-1455/GSI dated 06.11.2012. The petitioners



applied for registration/admission in Ph.D. course in Journalism and Mass Communication. The matter was placed before the Post Graduate Research Council(PGRC) and P.G.R.C. in its meeting dated 25.06.2015 decided to keep the matter pending in absence of non-availability of clear cut vacancy/reservation category in Department of Hindi. According to clause 4(iii) of the U.G.C. Regulations, 2009, seats available for Professor, Reader and Lecturer was 8, 6 and 4 and, therefore, all the candidates who had passed pre-Ph.D. Examination were not admitted in Ph.D. course. The U.G.C. implemented a fresh Regulations, 2016 and on that guidelines, Uniform Ordinance and Regulations Governing award of Ph.D. degree by the Universities of Bihar was implemented vide Governor's Secretariat, Bihar letter No.BSU-05/2010-2684/GS(I) dated 21.09.2017. According to clause 9.6, all the aforesaid Regulations only a full time regular teacher of the University/college can act as a Supervisor. There is a post graduate programme in Journalism and Mass Communication under the Department of Hindi under the Self Financing Scheme. There is no separate Department of Journalism and Mass Communication and, therefore, there is no permanent teacher in Journalism and Mass Communication that is why the



petitioners were not admitted in Ph.D. course in the subject as per the guidelines. It is further submitted that admission notice as contained in Memo No.Acad./3473 dated 26.04.2018 was issued but the petitioners did not apply whereas Mr. Amit Kumar applied for the admission in the subject Hindi. According to clause 8 of the revised guidelines issued for Ph.D. Examination Test, the last chance given to the candidates who did Ph.D. course earlier but the petitioners did not appear and when the petitioners sought clarification, the petitioners were informed vide letter No.Acad./8570 dated 09.08.2019(Annexure-E) that earlier petitioners were not registered in Ph.D. course and their case was kept pending before the Regulations, 2016 on account of non-availability of vacancy according to reservation and after 2016, since no full time regular teacher of the University/College in Mass Communication and Journalism is available, the petitioners cannot be registered in Ph.ed. Course.

Having heard the submissions of both sides and on perusal of the records, I find that the petitioners appeared in pre-Ph.D. Test Examination of 2013 and they have been declared successful in the result published in the year 2015. For the first time, Dy. Registrar, Patna University, Patna informed the Dean,



Faculty of Humanities, Patna University, Patna regarding the Ph.D. registration of the petitioners and others that the Post Graduate Research Council (Faculty of Humanities) in its meeting held on 11.07.2015 resolved to reject/refer back the application form of the petitioners and others on the ground of non-availability of vacancy according to reservation. The petitioners had of course cleared their pre-Ph.D. Test according to the Regulation, 2009 but due to non-availability of the vacancy, the petitioners were not registered in Ph.D. course. After the new Regulation came into effect in pursuance of the notification of the U.G.C. on 05.05.2016, the Governor Secretariat issued fresh Regulation on 21.09.2017. The petitioners never applied thereafter for their registration in Ph.D. course and when the petitioners sought information about their non-registration in Ph.D. course, the University by letter No.Acad./8570 dated 09.08.2019 informed the petitioner No.1(Sudhanshu Kumar Abhisheka) that the Ph.D. registration can be done only in the subject where a full time regular teacher of the University/college can act as a supervisor. Mass Communication and Journalism course is self financing course and there is no full time regular teacher. Therefore, the petitioners who are although qualified in pre-Ph.D. Test cannot



be registered in Ph.D. Course. Before Ph.D. Regulations, 2016, the petitioners were not registered and their applications were kept pending only on the ground that there was no vacancy according to the reservation for registration in Ph.D. course. The University in para 23 of the counter-affidavit averred that since examination in pre-Ph.D. Test was conducted in Journalism and Mass Communication, it was decided to allow such candidates who want to pursue Ph.D. in main subjects treating the subjects as allied subjects and thereafter admission notice was issued for Ph.D. Programme vide Memo No.Acad./3473 dated 26.04.2018 in the light of U.G.C. 2016 Regulations but the petitioners did not apply in pursuance of the admission notice issued under the U.G.C. 2016 Regulations. Therefore, I find that the petitioners cannot equate their case with the case of Amit Kumar who had applied in pursuance of the admission notice issued under U.G.C. 2016 Regulations on 26.04.2018 for Ph.D. in Hindi subject and not in Journalism and Mass Communication but the petitioners did not apply for registration in Hindi in pursuance of the aforesaid admission notice. Thus, I find that the petitioners are not entitled to get admission in Ph.D. course without making any petition in pursuance of the admission notice issued under Regulations 2016. The panel for registration



was prepared on the basis of pre-Ph.D. Examination, 2013 in the year 2015 after publication of result. After admission notice in pre-Ph.D. test in 2018, the petitioners did not apply even being eligible for registration in Ph.D. course on the basis of appearing Ph.D. Examination, 2013.

However, in the facts and circumstances of the case, I direct the petitioners to file detailed representation before the Registrar, Patna University and the Registrar, Patna University after having receipt of such representation dispose of the representation of the petitioners by a reasoned order within three months from the date of filing of such representation. With the aforesaid direction, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

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