

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2020

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.12281 of 2020
and WMP.Nos.15074 & 15075 of 2020

N.Arunesh Babu

...Petitioner

Vs

The Registrar,
Pondicherry University,
Bharat Ratna Dr.B.R.Ambedkar,
Administrative Building,
R.V.Nagar, Kalapet,
Puducherry - 605 014.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent Pondicherry University with respect to the prospectus for the academic year 2020-2021 containing Mode of admission in page No.30 para No.(c) and Tabular column in page No.32 course code No.109 (English Literature) for admission to Ph.D. And quash the same, consequently direct the respondent University to allocate seats for candidates who have been awarded with National Fellowship for Schedule Caste students (NFSC) as an eligibility for National Fellowship for Schedule Caste Students (NFSC) as an eligibility for admission to Ph.D./Research Scholarship programmes in the subject of English Literature by identifying the available vacancies.

For Petitioner : Mr.G.Thyagarajan

For Respondent : Mr.M.Ravi, Standing Counsel

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O R D E R

This Writ Petition has been filed challenging the relevant clauses in the prospectus issued by the respondent University and for a consequential direction to the University to allot seats for candidates, who possess the qualification to undergo Ph.D. in English Literature.

2. The learned counsel for the petitioner submitted that during the pendency of this writ petition, the petitioner was

granted Junior Research Fellowship (JRF) by the National Eligibility Test (NET) and the petitioner was also admitted in the respondent University on 26.08.2020. The learned counsel, therefore, submitted that what is left now is only notifying of the vacancies for admission into the Ph.D. in English Literature. The learned counsel for the petitioner submitted that even without notifying such a vacancy, there are candidates who are undergoing Ph.D. in English Literature in the respondent University and the same has been questioned in the present Writ Petition.

3. The Registrar of the respondent University has filed a counter affidavit. The relevant portions in the counter affidavit are extracted hereunder:

"13. In regard to the other averments contained in Paragraph 7 that no vacancies were identified for English Literature for the reasons best known to the Respondent University, it is humbly submitted that this year Department of English has not notified any vacancy for admission to Ph.D programme. However two vacancies are notified for admission to Ph.D in English in our affiliated College i.e. Kaanchi Maamunivar Centre for PG Studies, Govt of Puducherry. The Petitioner has not applied for Ph.D in English against the vacancy.

In accordance with UGC Regulations & University Regulations, a Professor can guide a maximum no. of 8 research Scholars, an Associate Professor can guide upto 6 Research Scholars and an Asst. Professor can guide upto 4 research Scholars at a given period of time leading to Ph.D. Based on vacancy available with a guide it is the individual faculty member/supervisor, who decides on the number of candidates he can guide based on his other Research & Academic Activities (Projects, teaching activities, seminars, etc) but subject to the maximum number prescribed as above. This year 2019-20, Department of English has not notified any vacancy as individual faculty members has not given any vacancy. But 2 vacancies are projected by affiliated college which has been indicated in our Prospectus and application portal has been opened for the same. In fact this vacancy was notified in two portals i.e. under Entrance Exam category and also under Entrance Exam exempted category. The candidate claims to have obtained National fellowship for SC(NFSC) and as such he can exercise his options to apply under Entrance Exam category till 17.08.2020 and Entrance Exam Exempted category till 31.08.2020. The last date for applying under

Entrance Exam exempted category was extended till 31.08.2020 from 17.08.2020 as clarification was issued on 21.08.2020. However the candidate has not applied for the same and has chosen to prefer this Writ Petition.

14. In regard to paragraph 10 of the Affidavit, it is submitted that under Entrance Exam exempted category candidates who were qualified in UGC/CSIR/NET Fellowship , UGC Fellowship for SC/ST , Maulana Azad National Fellowship(MANF), who had by virtue of securing the Fellowship after appearing in entrance exam and thereby fall under Entrance Exam exempted category can apply anytime during the year and accordingly 3 such candidates had applied in the vacancies that has arisen with the guide/Supervisors during the course of the year 2019-2020. In view of the same, the Department of English has already made admissions for 3 vacancies in 2019-2020 based on their UGC-NET/JRF award.

14(A). Further, with regard to averment of the Petitioner in para 10 that clandestine selection of three scholars have been made by the University in 2019-20 for unidentified/non-advertised vacancy, the allegation is highly condemned, unwarranted, baseless and contrary to facts. The Petitioner has no locus standi to speak about the admissions to Ph.D. programme in English for the year 2019-20 when he was not an applicant. He was pursuing his PG i.e. M.A. English degree during 2019 and he has completed M.A. degree in English only in 2020 as per his statement in para 4 of his petition. He becomes eligible for Ph.D. admission only from the academic year 2020-21. When that is being the case he has no locus standi or right comment on the admissions to Ph.D. programme in English for the year 2019-20. To make things more clear as per Ph.D. Regulations and as published in Prospectus 2019-20 the candidates who have qualified NET/UGC/CSIR or Rajiv Gandhi Fellowship for SC/ST etc. and awarded JRF could be admitted any time during the year based on the recommendations of the Admission Committee. Even though, the Department of English of University had not notified any vacancy at the beginning of the academic year when general admissions were made, subsequently during the course of year 3 (three) vacancies had arisen with some faculty members. Since NET/JRF etc. qualified candidates could apply any time during the year some of them had applied to the Department and based on their UGC/NET qualification they were considered by the Department

Admission Committee and granted admission. These candidates are exempted from entrance exam category. There is nothing clandestine in it. In fact the Petitioner is also claiming admission to Ph.D. programme in English under entrance exam category only. Hence, he has no right to accuse the University for admission under entrance exam exempted category during 2019-20.

15. I humbly submit that it is not a prerogative or automatic right of the Petitioner to demand that the vacancies in English have to be necessarily notified. Notification of vacancies in each subjects is based on various factors especially availability of individual faculty members and their pre occupation.

21. In regard to the ground (g), it is also liable to be rejected in terms of the Reply to Paragraph 9 and para 14-A of the Affidavit.

I humbly submit that as and when the Department of English announces a vacancy depending on the availability and pre occupation of individual faculty members, the Respondent University will notify the vacancy in English in the succeeding years. Further it is the petitioner who has failed to apply to Ph.D. English programme during 2020-21. When two vacancies are notified by our Affiliated College i.e. Kaanchi Maamunivar Centre for PG Studies. In such view of the matter, the Petitioner is not entitled to the relief sought for herein and the same is liable to be dismissed.

It is therefore prayed that this Hon'ble Court may be pleased to dismiss the Writ Petition as wholly devoid of merits and pass such further or other orders as this Hon'ble Court deems fit and thus render justice.'

4. Mr.M.Ravi, learned counsel appearing on behalf of the respondent University submitted that the Department of English has not notified any vacancy, since the individual faculty members have not given any vacancy. The learned counsel further submitted that there are three candidates, who had applied under entrance exam exempted category during academic year 2019 - 2020 and they are the one's who are now undergoing the Ph.D. Course. The learned counsel further submitted that admissions were granted for these three research scholars based on their UGC-NET/JRF award. The learned counsel further submitted that as and when the Department of English announces any vacancy, depending upon the availability of the faculty members, the University will notify the vacancy during the succeeding years.

5. In reply to the submissions made by the learned Standing Counsel, the learned counsel for the petitioner brought to the notice of this Court the fact that the petitioner has already been awarded JRF and he comes within National Fellowship for Schedule Caste Students (NFSC) category and the petitioner is also falling under the Entrance Exam Exempted Category. The learned counsel submitted that the petitioner is interested in pursuing with the Ph.D. Course offered by the University and not by the affiliated colleges coming under the University. The learned counsel submitted that as and when the vacancies are notified, the petitioner must be permitted to participate in the selection for the Ph.D. Course.

6. Taking into consideration the facts and circumstances of the case and the specific stand that has been taken by the respondent University, this Writ Petition is disposed of with a direction to the respondent University to notify the vacancies as and when it arises in the coming years and as and when the same is notified, the petitioner will be entitled to participate in the admission and the same will be considered in accordance with the relevant regulations. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

The Registrar,
Pondicherry University,
Bharat Ratna Dr.B.R.Ambedkar,
Administrative Building,
R.V.Nagar, Kalapet,
Puducherry - 605 014.

+1 cc to M/s.G.Thiyagarajan, Advocate Sr.No. 34317

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SR(CO)
RMP(11/11/2020)