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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 07.10.2021
Pronouncing orders on : 20.10.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.Nos.4344 of 2021

L.Ganapathy Murugan

...Petitioner

vs.

1. The Vice Chancellor,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore District - 608 002.

2. The Registrar,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore District - 608 002.

3. The Director,
Directorate of Academic Research (DARE),
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore District - 608 002.

Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned Memo made in F.No.021/CARE/Ph.D/2020 dated 09.11.2020 issued by the 3rd respondent and quash the same and consequently direct the respondents to grant extension of time to the petitioner to complete his Ph.D., programme (Part-time) in History within the time frame fixed by this Court.

For Petitioner : Mr.Sathia Chandran

For Respondents : Mr.Godson Swaminath for
M/s.Isaac Chambers for R1 & R2



O R D E R

The petitioner has questioned the impugned memo dated 09.11.2020 issued by the 3rd respondent, in this writ petition. The petitioner has also sought for a consequential direction to the respondents to grant extension of time to the petitioner to complete his Ph.D., Programme (Part-time) in History.

2.The case of the petitioner is that after he completed Post Graduation in History, he joined the services of the respondent University as a Lecturer in the year 2008. The surplus faculty belonging to the respondent University were deputed to other Colleges and accordingly, the petitioner was deputed as an Assistant Professor to Sri Subramaniya Swamy Government Arts College, Thiruthani, Thiruvallur District in the year 2016.

3.The petitioner applied for registration before the respondent University to do part-time Ph.D., Programme during the academic year 2010-2011. The candidature of the petitioner was approved by the 3rd respondent and he was also placed under a Guide. In the meantime, in the year 2016, the petitioner was deputed to Government Arts College, Rasipuram and he continues to work there at present.

4.The petitioner was supposed to complete the thesis work in five years from the date of registration. The maximum extension of period that is contemplated is for a further period of three years under the Regulations. The petitioner, due to various reasons, was not able to complete his research work within the maximum stipulated duration of eight years. The petitioner made a representation in this regard to the 2nd respondent by explaining the circumstances under which he was not able to complete the thesis work on time. The 3rd respondent through the impugned memo dated 09.11.2020 canceled the Ph.D., registration of the petitioner with immediate effect on the ground that the maximum period of eight years was over on 02.09.2018 and the petitioner did not submit the thesis within the stipulated period. Aggrieved by the same, the present writ petition has been filed before this Court.

5.The 2nd respondent has filed a counter affidavit. The 2nd respondent has explained the various regulations governing Ph.D., programme. After explaining the Regulations, the 2nd respondent has stated in the counter affidavit that the petitioner did not submit his Ph.D., thesis within the time limit of five years that is on or before 03.09.2015. In such an event, the petitioner should have applied for extension of time within three months before the completion of the five years and the petitioner has not fulfilled this requirement. The petitioner has submitted the letter for extension of time only on 15.05.2019 which is well beyond eight years. Therefore, the



Regulations do not permit any extension for re-registration of the programme. In view of the same, the Ph.D., registration of the petitioner was canceled through the impugned memo dated 09.11.2020. The 2nd respondent has therefore pleaded that there are no merits in the writ petition and the same is liable to be dismissed.

6. Heard Mr.S.Sathia Chandran, learned counsel appearing on behalf of the petitioner and Mr.Godson Swaminath, learned counsel appearing on behalf of the respondents 1 and 2.

7.The petitioner is governed by the Regulations which regulate the Ph.D., Programme. For proper appreciation, Regulations 7 and 12 are extracted hereunder:

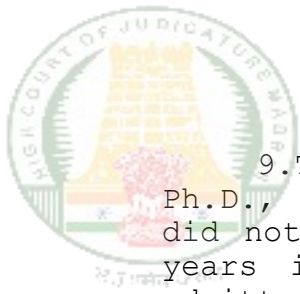
7.Duration

The Minimum period of residence required before submission of the thesis is three years for Master's degree holders and two years for M.Phil Degree holders. The candidate should complete his/her thesis work within a period of five years from the date of registration.

12.Extension of Time

Scholars who do not submit the thesis within the stipulated period of five years should apply for extension of time three months before the completion of five years. Extension of time and the fees to be paid will be considered by the Deans Committee, if the extension is duly recommended by the guide, Head of the Department and the Dean of Faculty. Such candidates will be eligible for extension of time for a maximum period of three years.

8.It is clear from the above that the candidate should complete his/her thesis work within a period of five years from the date of registration. If the thesis is not able to be completed within the stipulated period, the scholar should apply for extension of time three months before the completion of five years. The relevant fees must be paid and the request will be considered by the Deans Committee provided that the extension is duly recommended by the guide, Head of the Department and the Dean of Faculty. Only such candidates will be eligible for extension of time for a maximum period of three years. Once such extension is granted, the scholar must complete the thesis within the extended period. On failure to do so, the scholar will have to enroll as a fresh candidate. The Regulations also provide for a further extension in exceptional cases and the Deans Committee can grant a maximum extension not exceeding 6/12 months.



9.The petitioner applied for registration for part-time Ph.D., programme in the year 2010. Admittedly, the petitioner did not submit the Ph.D., thesis within the time limit of five years i.e., on or before 03.09.2015. The petitioner did not admittedly seek for extension of time within three months before the completion of five years. The first representation that was made by the petitioner seeking for extension of time was only on 15.05.2019, which is well beyond the period of eight years. The petitioner has given various reasons as to why he was not able to complete the thesis on time. It is true that the same was also recommended by the guide and the Head of Department. However, as per the Regulations, the recommendation must also come from the Dean of Faculty, which has not been fulfilled by the petitioner.

10.The petitioner has questioned the impugned memo issued by the 3rd respondent mainly on the ground that no opportunity was given to the petitioner before his Ph.D., registration was canceled. That apart, the petitioner also claims that the thesis was at its last stage. In fact, at the time of final hearing, the learned counsel for the petitioner produced the fully completed thesis and requested that the same may be considered and that the effort that has been put in by the petitioner should not go waste.

11.It is almost eleven years since the petitioner registered himself for the Ph.D., part-time programme. This Court cannot completely disregard the Regulations that governs the Ph.D., Programme. Submission of a thesis and awarding Doctor of Philosophy (Ph.D.,) is a milestone in the life of an academicians. Such scholars are addressed with a Honorable "Dr.". In view of the same, the concerned candidate has to strictly comply with the Regulations governing the Programme. If the petitioner was not able to complete the Programme within five years, he should have sought for an extension of time within the time stipulated. The petitioner was seeking for an extension of time after eight years from the date of registration. The Regulations gives powers to the Deans Committee to extend the period for three years and in exceptional cases for a further period of 6 to 12 months. However, this power can be exercised only if the request is made on time. Admittedly, the petitioner failed to make the request as per the Regulations. The Ph.D., Programme cannot be undergone according to the whims and fancies of the candidate and conferring a Doctorate is a very serious matter.

12.In view of the above discussion, this Court does not find any ground to interfere with the impugned Memo issued by the 3rd respondent dated 09.11.2020. If the petitioner is still interested, it is left open to the petitioner to make an



application and enroll as a fresh candidate and undergo the Ph.D., Programme in the respondent University.

13.In the result, this writ petition is dismissed. No Costs.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Vice Chancellor,
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore District - 608 002.
2. The Registrar,
Annamalai University,
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Chidambaram,
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3. The Director,
Directorate of Academic Research (DARE),
Annamalai University,
Annamalai Nagar,
Chidambaram,
Cuddalore District - 608 002.

+1CC to M/s.Isaac Changers, Advocate SR.No.53728
+1CC to M/s.S.Sathiachandran, Advocate SR.No.53635

W.P.Nos.4344 of 2021

GMR(CO)
B.VC(28/10/2021)