

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 182 OF 2019

Dr. Kamal Chandra Tiwari ... Petitioner.
V/s.
University Grants Commission,
through Secretary & Others ... Respondents.

Mr. Ajinkya Reddy, i/b Mr. P.J. Prasada Rao, for the Petitioner.
Mr. Rui Rodrigues, for Respondent No. 1.
Ms. Neha Bhide, for Respondent Nos. 2 and 3.

**CORAM : NITIN JAMDAR AND
AMIT BORKAR, JJ.**

**DATE : 31 JANUARY 2022.
(Through Video Conferencing)**

P.C. :

The Petitioner has challenged order dated 10 May 2018 passed by Respondent Nos. 2 and 3 withdrawing the Ph.D. degree conferred on the Petitioner. The communication dated 10 May 2018 refers to a charge of plagiarism found in the Ph.D. thesis beyond acceptable limits as per UGC recommendations.

2. Heard learned Counsel for the Petitioner, learned Counsel for Respondent No. 1 and the learned Counsel for Respondent Nos. 2 and 3.

3. The impugned order refers to a letter dated 20 February 2018 asking the Petitioner to present himself before the Special Committee of Respondent Nos. 2 and 3 on 5 March 2018 for a hearing. The impugned order also refers that the Petitioner did not appear for the meeting and the case was forwarded to the authorities and the impugned order was passed. Learned Counsel for the Petitioner sought to contend that the Petitioner was not given certain documents such as the complaint and, therefore, the Petitioner was unable to represent himself effectively.

4. The resultant position is that the impugned order passed without the version of the Petitioner being put before the authorities. It is not possible for us at the first instance to decide whether the charge against the Petitioner is correct or otherwise. Therefore, appropriate course of action would be to give opportunity to the Petitioner to present his case before Respondent Nos. 2 and 3 and thereupon Respondent Nos. 2 and 3 pass an order.

5. Considering the fact that Respondent Nos. 2 and 3, academic bodies, have expressed an opinion that there is a doubt regarding the Ph.D. degree given to the Petitioner, till a fresh order is passed, we are not inclined to restore the Ph.D. degree as prayed by the learned Counsel for the Petitioner. We observe that the order dated 10 May 2018 be considered as a prima facie opinion expressed by Respondent Nos. 2 and 3.

6. The Petitioner will submit his explanation to the Respondent Nos. 2 and 3 within period of six weeks from today. In case the Petitioner requires any documents, the Petitioner will inform Respondent Nos. 2 and 3 within period of two weeks from today. As regard the request for making certain documents available, it will be the decision of Respondent Nos. 2 and 3 to furnish the same or not.

7. After the representation is so submitted, the decision be taken by Respondent Nos. 2 and 3 within period of eight weeks thereafter after giving opportunity to the Petitioner to make a representation. The learned Counsel for the Petitioner states that the Petitioner will attend the hearing on the date so informed.

8. Writ Petition is disposed of in above terms.

(AMIT BORKAR, J.)

(NITIN JAMDAR, J.)