

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 2215 of 2020

Sheshrao Amar Tirpude

vs.

Rashtrasant Tukdoji Maharaj Nagpur University, Nagpur and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri A.M.Gedam, Advocate for petitioner.

Shri S.G.Joshi, Advocate for respondent nos. 1 to 6.

CORAM :- A.S.CHANDURKAR AND URMILA S. JOSHI-PHALKE, JJ.

DATE :- JUNE 21, 2022.

The petitioner intended to undertake higher studies by seeking to get himself registered for Ph.D in the subject of 'Physics'. He therefore made an application for registration with the respondent no.1-University on 15.07.2014. On 16.10.2015 the petitioner was granted such registration pursuant to the aforesaid application and he was required to complete the thesis within a period of five years as required by Clause 9 of Direction No.29 of 2012. The petitioner on 12.07.2019 moved an application with the respondent no.1 seeking extension for a period of three months for submitting his thesis. Such extension was not granted by the communication dated 07.09.2019. Being aggrieved the petitioner has filed this writ petition seeking extension of time to submit his thesis.

Heard learned counsel for the parties.

Clause 9(i) of the Direction No.29 of 2012 which has been relied upon by the University reads as under.:

9. Procedure for Admission/Registration

(i) After allotment of guide, an eligible applicant seeking admission to the Ph.D. programme shall apply for registration to the Controller of Examinations, through his guide and the

Head of the Place of Research, in the prescribed form along with the registration and other fees, as may be prescribed from time to time and also relevant supporting documents on any working day of the University. The date of submission of the application form shall be considered as the date of registration subject to the approval of Research and Recognition Committee.”

The date of submission of the application form was to be considered as the date of registration subject to approval of the Research and Recognition Committee. According to the petitioner since the University on 16.10.2015 accepted his application for registration, the period of five years would commence from that date.

We however find that on a plain reading of Clause 9.1 as reproduced above, the date of submission of the application form has to be considered as the date of registration but it is subject to the approval of the Research and Recognition Committee. The petitioner also understood this position which is clear from his letter dated 12.07.2019 where he has mentioned the date of registration to be 15.07.2014. Hence the period of five years would commence from that date and not from the date of the petitioner's application was accepted.

Admittedly, till date the thesis sought to be submitted by the petitioner has not yet been completed. The application for extension was required to be submitted three months prior to the expiry of registration. Since this compliance is also lacking, we do not find that the petitioner is entitled to any relief. Though the learned counsel for the petitioner placed reliance on the decision in Writ Petition No.5445 of 2016 (*Narayanam Narsimha Murthy vs. Rashtrasant Tukdoji Maharaj Nagpur University and ors.*) decided on 19.04.2017 the facts therein indicate that the case of the said petitioner was governed by Ordinance No.33 of 2008 which was subsequently repealed. The present case is governed by Direction No.29 of 2012. Hence that decision does not assist the case of the petitioner.

By observing that the petitioner is free to get himself re-registered for undertaking higher studies, the writ petition stands dismissed with no order as to costs.

(URMILA S. JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

Andurkar..