

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.218

CWP-34868-2019 (O&M)
Date of decision : 16.12.2022

Archana Sharma

..... Petitioner

VERSUS

Panjab University, Chandigarh and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. A.S. Jawandha, Advocate, for the petitioner.

Mr. G.S. Dhillon, Advocate, for the respondents.

SUDHIR MITTAL, J. (Oral)

The petitioner took the Common Entrance Test held for M.Phil/Ph.D Degree on 18.7.2015 and joined the M.Phil Course in the same year. She passed the course on 27.8.2018 and applied for the Ph.D Programme on 3.9.2019. Her candidature was recommended by the Academic & Administrative Committee of the respondent-University vide Resolution dated 17.9.2019. However, she was not permitted to join as the guidelines for Award of M.Phil/Ph.D Degree had been amended and there was no exemption from taking entrance test even for M.Phil candidates. The validity of the entrance test was three years only.

Learned counsel for the petitioner has argued that an M.Phil student from the Panjab University could directly be admitted to the Ph.D. Course without taking any entrance test. Thus, refusal of permission to the petitioner to join the said course after recommendation of the Academic & Administrative Committee was illegal.

Learned counsel for the respondent-University submits that on the date of application for the Ph.D Course by the petitioner, the relevant guidelines had been amended and the amendment had been brought to the notice of all concerned through Circular dated 29.7.2019. According to the amended guidelines, exemption in favour of M.Phil students of the University had been done away with. Thus, the petitioner was not eligible. Recommendation by the Academic & Administrative Committee was not binding.

A perusal of the record shows that the amendments to the guidelines for award of M.Phil/Ph.D Degree were circulated to all concerned vide Circular dated 29.7.2019. The said amendments have done away with the exemption granted to M.Phil students of the University. Thus, the petitioner had to appear once again in the Common Entrance Test, the validity of the previous one having expired after three years i.e. in the year 2018. The action of the respondent-University can thus, not be faulted.

The writ petition has no merit and is dismissed.

At this stage, learned counsel for the petitioner submits that the petitioner was refused permission to join after she had deposited the fee. The fee has also not been refunded till date.

The respondent-University is thus, directed to refund the fee of the petitioner provided she produces authentic proof of payment of the same within four weeks from the date of receipt of certified copy of this order.

(SUDHIR MITTAL)
JUDGE

16.12.2022

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes / No
Yes/ No