

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5417 of 2023

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Kumari Aruna “Bharti” D/O Ram Chandra Singh, Resident of Village-
Morsand Bahadurpur, P.S.- Pusa, District- Samastipur. Petitioner
Versus

1. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
2. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
3. The Deputy Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
4. The Examination Controller, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Head of the University, Department History, Lalit Narayan Mithila University, Darbhanga.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Ranjan Kumar, Advocate
For the L.N.M.U. : Mr. Md. Nadim Seraj, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT

Date : 25-07-2023

Heard learned counsel for the petitioner and Mr. Nadim Seraj, learned counsel for the Lalit Narayan Mithila University (hereinafter referred to as the ‘University’).

2. This writ application has been filed seeking writ in the nature of Mandamus directing the respondent authorities to permit the petitioner to deposit the examination fee and to start her act of Research Management.

Case of the Petitioner

3. It is the case of the petitioner that the petitioner belongs to backward class, she made an application before the



University for registration of Ph.D. Examination in the Faculty of Social Science (History) having a research project entitled “Hindu Rashtravad and Bhartiya Rashtrawad ke Antah Samband”. The Research Board, Faculty of Social Science on recommendations of the Departmental Research Committee has approved her research project by registering her vide R.B./613/PR/2011 dated 27.05.2011 vide Annexure ‘1’ to the writ application.

4. It is the case of the petitioner that one Mr. Vijay Kant Choudhary, Head of the Department of History, A.N.D. College Shahpur Patory, Samastipur was deputed as a Supervisor/Guide of the petitioner but due to his sudden death, the petitioner sent her application to the Examination Controller of the University requesting to appoint Dr. Surendra Prasad Singh as a Director of Research Project/Management because the due date of completion of research work was right from 27.05.2015 and in this regard, the University had issued memo dated 07.12.2015 by deputing Dr. Surendra Prasad Singh as a Guide/Supervisor.

5. It is the case of the petitioner that after completion of research project, the petitioner has deposited the same in four sets and requested the Examination Controller of the University to allow her to deposit the examination fee and research management. Her application was forwarded by the Head of the



Department on 22.06.2017. The grievance of the petitioner is that she made detail representation before the Vice Chancellor and Administrator either by post or in person in the concerned offices but no communication was made to the petitioner allowing her to deposit her examination fee as well as research management.

Stand of the University

6. A counter affidavit has been filed on behalf of the University. The stand of the University is that Supervisor of the petitioner died on 18.02.2014 but the petitioner informed the office about the incident after almost one and half year which was just five days before completion of five years from effective date of registration. It is not denied that on the request of the petitioner, Dr. Surendra Prasad Singh's name was approved as her new Supervisor.

7. Learned counsel for the University has taken this Court through the statements made in paragraph '10' and its various sub-paragraphs to submit that the petitioner should have applied for extension of further two years more time as per the provisions before expiry of registration period of five years but she applied for extension on 26.05.2017 i.e. one day before the end of maximum time of seven years. It is his submission that the petitioner managed to get her pre-Ph.D. presentation done at the



University Department of History on 22.06.2017 and submitted her thesis in the Department itself against the procedures and norms. The thesis should have been submitted in the Ph.D. Section after order of the Deputy Controller-I after depositing requisite fee.

Consideration

8. Having heard learned counsel for the petitioner and learned counsel for the University as also upon perusal of the records what is finally culled out is that there is a provision for extension of time and the petitioner had applied for extension well within time. Admittedly, she had applied one day before the end of maximum time of seven years. The excuse which is being taken by the University is that the extension application could not be processed in such a short span of time as it involved a long administrative procedure and as such was not possible for the office to process and grant extension in one day.

This Court is unable to appreciate the kind of excuse offered by the University. This is a case of delay and laches on the part of the University in not processing the application of the petitioner which was filed well within time. The plea that it could not have been processed within one day is a fallacious plea and the falsity of the plea lies in the fact that there was no bar for the University in processing the application and approving the same even after



expiry of that one day. It is not the case of the University that the application could not have been processed once filed within time, after 27.05.2017. There is no explanation as to why the extension application has been kept pending for about six years.

9. This Court further finds that a strange kind of plea has been taken in paragraph '11' saying that the petitioner managed to get her pre-Ph.D. presentation done at the University, Department of History on 22.06.2017. This is a completely vague and unfounded statement and the University has to blame itself for such things if it has happened within the notice of the University. In any case, this will not take away the right of the petitioner to be considered for extension.

10. In result, this Court finds that the action of the University in not considering the extension application of the petitioner and not allowing the petitioner to deposit her Ph.D. thesis exam fee is completely arbitrary and it has happened because of the inaction on the part of the concerned authorities who were obliged to process the application.

11. This Court, therefore, directs respondent nos. 1 to 5 to take immediate steps to process the application of the petitioner for extension of time and allow her to deposit examination fee and take up the research work as early as possible preferably within a



period of two months from the date of receipt/production of a copy of this order.

12. In the facts of the case, this Court deems it just and proper to direct the University to pay a cost of litigation assessed at Rs.10,000/- (Rupees Ten Thousand Only/-) to the petitioner within a period of one month from today.

13. As prayed by learned counsel for the University, this Court grants liberty to the University to realize the amount of cost from the erring officials.

14. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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CAV DATE	
Uploading Date	26.07.2023
Transmission Date	

