

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13177 of 2018

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Ram Babu Singh S/o Shri Gauri Shankar Singh, R/o Village P.O.-Motipur, P.S.-
Tajpur, District-Samastipur

... .. Petitioner/s

Versus

1. The Patna University Through Registrar, Patna and Ors
2. The Vice-Chancellor, Patna University, Patna
3. The Examination Controller, Patna University, Patna
4. The Dean, Faculty of Commerce, Patna University, Patna
5. The Head of Department, Applied Economics and Commerce, Patna University, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Patna University: Mr. Nadim Seraj, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

7 14-02-2023 The petitioner by way of this writ petition seeks to set aside the order passed by the University dated 23.05.2018, whereby the Vice Chancellor rejected to accept the submissions of Ph.D. thesis, after a lapse of stipulated time period.

2. Learned counsel for the petitioner submits that the petitioner had submitted his thesis on 26.10.2016 with a request for a suitable date for pre-submission of Ph.D. vica voce, although the requirement for pre-submission of Ph.D. was not necessary, as the resolution had been adopted in the year 2012 and would not be applicable to the petitioner, who had been registered in 2010.



3. Learned counsel submits that the Ph.D. thesis had been submitted to the Director, Head of Department, Department of Applied Economics & Commerce, Patna University by Professor Md. Alamgir, who was his guide and supervisor.

4. It is submitted that the University had granted extension of time for submission of Ph.D. thesis to him upto October, 2016 and, therefore, his thesis could not have been rejected.

5. Learned counsel submits that the resolution taken by the Post Graduate Research Council dated 03.05.2018 requiring research scholar to appear before the pre Ph.D. submission was also contrary to the provisions of rules, which had been adopted in 2012 and the same would not apply to the petitioner.

6. Per contra, learned counsel appearing for the University has filed an affidavit stating that the petitioner turned up in the Department of Applied Economics & Commerce, Patna University in the very last moment on 26.10.2016 just three days before the closure of the office upon the eve of Puja vacation and the petitioner further failed to show even draft of the thesis on that day to enable him to fix the date for pre-



submission of viva voce. As such, the department could not take any action.

7. Learned counsel has also invited attention to the resolutions taken in the year, 2012 by the Council consisting of all the Head of the Departments dated 13th September, 2012, which resolved that “pre-Ph.D. submission viva be held before the final submission of the thesis”. The said resolution was again approved while discussing the case of the petitioner and its meeting was held on 3.5.2018 and it was noticed that the petitioner had deposited the Ph.D. examination fees on 28.10.2016 without any knowledge and consent of the Head of the Department and resolution was also taken to seek explanation from the Supervisor Professor Dr. Mohd. Alamgir on his conduct in forwarding the application of the petitioner knowing fully well that the candidate has not followed the laid down procedure of pre-Ph.D. submission. In the circumstances, learned counsel supports the order passed on 23.5.2018, whereby the prayer for submission of Ph.D. thesis by the petitioner was rejected.

8. I have considered the submissions, this Court finds that the petitioner had appeared in NET. examination and cleared the same in 2007, whereafter he was registered for Ph.D.



on 30.05.2011 and the registration was approved with effect from November, 2010. He was allotted supervisor as Professor Dr. Mohd. Alamgir for completing his Ph.D. It appears that he did not complete his Ph.D. within the stipulated four years period and thereafter he was granted extension by the University up to October, 2016 as approved by the PGRC held on 26.6.2015.

9. While the petitioner claims to have submitted his thesis on 26.10.2016 i.e. before the end of the October, 2016. It is the specific case of the respondents that the thesis was never submitted. It is also case of the respondents that the thesis could not have been accepted as the petitioner had not appeared for viva voce as required for pre-Ph.D. submission and resolved by the Department in its meeting dated 13th September, 2012, which was binding on him. The affidavit as quoted above also points out that the petitioner has not even placed the draft of his thesis to the Head of the Department on 26.10.2016. Action has also been proposed against his Supervisor.

10. In view thereof, this Court is satisfied that the petitioner has failed to prove that he submitted his Ph.D. thesis on 26.10.2016 nor his supervisor submitted his thesis. As the time period for submission of thesis was extended only up to



October, 2016, no further extension was granted by the University/Vice Chanellor.

12. In view thereof, this Court finds that as the order passed by the Vice Chancellor rejecting his application for considering Ph.D. thesis was in accordance with law and as per rules governing the submission of Ph.D. thesis.

13. The writ petition is, accordingly, dismissed.

14. In the facts and circumstances of the case, there shall be no order as to costs.

(Sanjeev Prakash Sharma, J)

Chn/-
Item No.21

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