

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9293 of 2017

Chandra Shekhar Singh Son of Dhananjay Singh At Present Resident of
Jawahar High School, Dumari Rajpur, Via-Sono, District- Jamui.

... .. Petitioner/s

Versus

1. Nalanda Open University
2. The Vice Chancellor, Nalanda Open University, 3rd Floor, BISCOMAUN Bhawan, Gandhi Maidan, Patna.
3. The Registrar, Nalanda Open University, 3rd Floor, BISCOMAUN Bhawan, Gandhi Maidan, Patna.
4. The University Grants Commission, Bahadur Shah Zafar Marg, New Delhi through its Secretary.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shubh Narain Singh
For the UGC	:	Mr. Hare Bhaskar
For the University	:	Dr. Anand Kumar
		Mr. Sanjay Kumar Ghosarvey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

13 20-04-2023 Heard learned counsel for the petitioner and learned counsel for the University as well as learned counsel appearing on behalf of the University Grants Commission.

2. The petitioner has filed this writ application for a direction to the respondents to accept the Ph.D. research thesis of the petitioner on the topic “Jamui Zila Me Bhumi Upyog Ka Badalta Prarup Evam Krishi Par Uska Prabhaw”.

3. Learned counsel for the petitioner submits that the petitioner got himself registered for Ph.D. course on 02.09.2009.



The petitioner submitted his thesis on 23.06.2015, thereafter, three defects were pointed out during the course of seminar held for pre-submission of thesis.

4. The defects pointed out were as follows:-

(a) Redesign classification of land use in first chapter.

(b) Page 17, Chapter "प्रशासकीय संगठन" has to be corrected. Title to be changed and source to be mentioned in all tables and

(c) Impact of land use changes on agriculture farming missing.

5. According to the petitioner, the petitioner removed all the defects pointed out in the thesis and again submitted his research paper and requested for further extension of time. He also deposited a sum of Rs. 10,000/- as directed by the Nalanda Open University.

6. Per contra, learned counsel for the Nalanda Open University submits that the petitioner never submitted the rectified thesis and sought extension of time, but in the meanwhile, University Grants Commission issued a regulation, namely, University Grants Commission (Minimum standards and procedure for awards of M.Phil/Ph.D. Degree) Regulations, 2016, notified in the Gazette of India on 5th July, 2016 and as



per Clause 11.1 of the said Regulation, no university, institution, deemed to be a university and college shall conduct M.Phil and Ph.D. programmes through distance education mode.

7. Since, the petitioner did not submit the rectified thesis prior to issuance of the Regulation and that the Regulation denies Ph.D. programmes through distance education mode and the Nalanda Open University imparts distance education, accordingly, the amount deposited by the petitioner for Ph.D. course has been refunded to him.

8. On the other hand, learned counsel appearing for the University Grants Commission submits that University Grants Commission came out with Regulation, 2009 which was published in the Gazette on 11.07.2009, specifically providing therein Clause-5 that “Notwithstanding anything contained in these Regulations or any other Rule or Regulation, for the time being in force, no University, Institution, deemed to be University and College/Institution of National Importance shall conduct M.Phil and Ph.D. Programmes through distance education mode.”

9. Learned counsel for the University Grants Commission points out that the petitioner was registered for Ph.D. course after issuance of Regulation, 2009 i.e. on



02.09.2009. The National Open University, in view of the aforesaid Regulation, was not entitled to conduct Ph.D. programmes through the distance mode.

10. I have heard learned counsel for the parties and have gone through the materials available on record.

11. It is an admitted position that the petitioner has submitted a defective thesis on 23.06.2015. As per the case of the University, till the Regulation, 2016 was issued debarring the grant of Ph.D. degree through distance education mode, the petitioner did not submit his rectified thesis before the University.

12. By Regulation, 2009, which came into force on 11.07.2009, the Ph.D. programme was prohibited through distance mode, but the petitioner was registered in the Ph.D. course through distance mode in National Open University on 02.09.2009.

13. In view of the Regulation issued by the University Grants Commission, firstly on 11.07.2009 and secondly in 2016 and particularly taking into consideration the fact that the petitioner did not submit his corrected thesis before coming into force of Regulation, 2016, no relief can be granted to the petitioner by this Court in the present writ application.



14. In the result, this writ application is dismissed.

(Anil Kumar Sinha, J)

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