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WPA 17492 of 2023

Indian National Forum or Art and Culture & Anr.
Vs.

University Grants Commission & Ors.

Mr. Tapash Gan Choudhury
Mr. Amitava Paul
... For the petitioners.

Ms. Debjani Ghosal
... For UGC.

Indisputably, the journal namely, “Wisdom Speaks” was included in the Consortium for Academic Research and Ethics (in short “CARE”) by the University Grants Commission.

It is the grievance of the petitioners that suddenly they found the name of the journal disappeared from the “CARE” list. The petitioners suggest that University Grants Commission in an arbitrary manner behind the back of the petitioners without assigning any reason de-listed the said journal.

To justify the act, the University Grants Commission has filed an affidavit. The relevant part of the said affidavit is quoted below:

“... it is stated that the answering respondents had full right to discontinue any Journal from the UGC-CARE List if at any stage it is found the Journal is giving false/misleading/incorrect/insufficient information or unsubstantiated claims. The petitioners are well aware as it is

clearly mention in the Public Notice(s) issued by the respondents UGC. The respondents (1 & 2) had received grievance regarding the particular Journal "Wisdom Speaks" with evidences and after the experts verified the evidences found it has valid reasons to discontinue the Journal "Wisdom Speaks", the experts disqualified the Journal "Wisdom Speaks" from the UGC-CARE list."

Admittedly, the materials based upon which the University Grants Commission de-listed the Journal, were not supplied to the petitioners. It is also an admitted fact that the petitioners were never given an opportunity of hearing by the University Grants Commission before delisting the Journal.

It bears repetition that before taking any decision, an authority must supply the material relied upon by it to the party who may be adversely affected by the decision. The action of the University Grants Commission in de-listing the relevant Journal without hearing the petitioners also violated the principle of natural justice

In view of the above, the decision to delist the Journal namely, "Wisdom Speaks" published by the petitioners, is set aside. The University Grants Commission shall supply the documents relied upon by it in de-listing of the Journal, within a period of two weeks from the date of communication of this order to

enable the petitioner to deal with the same. The petitioners shall be granted an opportunity of hearing before the appropriate authority of the University Grants Commission within a period of three weeks from the date of supply of the relevant documents..

After hearing the petitioners, the University Grants Commission shall decide the issue of de-listing of the relevant journal afresh in accordance with law and communicate a reasoned decision to the petitioners.

With the aforesaid directions, **WPA 17492 of 2023** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)