

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION 44 OF 2020
with
WRIT PETITION 1775 OF 2020

WRIT PETITION 44 OF 2020

Prof. Nitin s/o. Dharamdasji Tagde,
Aged 51 years, occ. Service,
R/o. Plot No. 12, Nashik Nagar,
New Subhedar Layout,
Nagpur 24.

.....PETITIONER

...V E R S U S...

1. Rashtrasant Tukadoji Maharaj
Nagpur University, Nagpur
through its Vice Chancellor,
Civil Lines, Nagpur

2. The Deputy Registrar (Ph.D.Cell)
Rashtrasant Tukadoji Maharaj Nagpur
University, Nagpur, Civil Lines,
Nagpur

3. The Principal,
Kumbhalkar Evening College of
Social Work, Ganeshpeth, Nagpur

..RESPONDENTS

WRIT PETITION 1775 OF 2020

Col. (Retd.) Ramdas s/o. Sharadchandra Buche,
aged about 66 yrs,
r/o. 219-B, H.B. Estate, Sonegaon,
Khamla, Nagpur 440 025.

.....PETITIONER

...V E R S U S...

1. Rashtrasant Tukadoji Maharaj
Nagpur University, Nagpur

through its Deputy Registrar,
Examination Centre,
LIT Campus Area, Amravati Road, Nagpur

2. Union Grants Commission,
Through, its Secretary/Chairman,
Bahadur Shah Zafar Marg,
ITO Metro Gate Number 3, Road,
New Delhi 110 002.

..RESPONDENTS

Mr. I.G. Meshram, counsel for petitioner in WP 44/2020.
Mr. S.G. Joshi, counsel for respondents 1 & 2 in WP 44/2020.
Mr. Anand Parchure, counsel for petitioner in WP 1775/2020.
Mr. N. S. Khubalkar, counsel for respondent 1 in WP 1775/2020.
Mr. A.S. Agrawal, counsel for respondent 2 in WP 1775/2020.

CORAM:- ROHIT B. DEO & Y.G. KHOBRAGADE, JJ.
DATE : 08.02.2023

JUDGMENT (Per: Rohit B. Deo, J.)

Rule. Rule made returnable forthwith. Heard finally
with consent of the parties.

2. It is common ground that the petitions can be disposed
of in view of, and consistent with the articulation of the
Coordinate Bench in *Writ Petition 1300/2019 – Ms. Shipra
Shivkumar Yadav Vs. Rashtrasant Tukdoji Maharaj Nagpur
University and others* (“**Ms. Shipra Yadav**”).

3. Brief facts, which are broadly admitted, may be noted.

Petitioner in Writ Petition 44/2020 applied for
registration as research student/scholar in the Ph.D. programme

on 12.7.2012. Assuming that direction 10 of 2011 holds the field, and that the Ph.D. thesis is to be submitted within five years from the registration, which is deemed to be the date of application, the petitioner sought an extension vide application dated 17.7.2017. Respondent 1 – University rejected the application seeking extension on the premise that the application is preferred, not within three months preceding the last date for submission, but after the expiry of the period.

4. Petitioner in Writ Petition 1775/2020 applied for registration as research student/scholar under the Ph.D. programme on 16.4.2014, he too assumed that in view of direction 10 of 2011 and 29 of 2012, the Ph.D. thesis is to be submitted within five years and vide application dated 28.2.2019 requested for extension, before the expiry of the period of five years. The University, however, rejected the application seeking extension on the premise that such an application ought to have been made three months prior to the last date for submission of the thesis.

5. In **Ms. Shipra Yadav**, the Coordinate Bench has considered a similar if not identical controversy. The Coordinate Bench has held that direction 10 of 2011 was repealed/superseded

by direction 18 of 2016, which direction is again amended by direction 11 of 2017. We may extract the relevant articulation in

Ms. Shipra Yadav below:

“7] Undisputedly, Direction No. 10 of 2011 was repealed/superseded by Direction No. 81 of 2016, brought into force on 01.12.2016. Clause 13 regarding tenure of registration contained therein is reproduced below.

“13. TENURE OF REGISTRATION

The Ph.D. Programme shall be for the minimum duration of 3 years, including course work and a maximum of 6 years from the date of registration as per the provisions of this Direction. The women candidate and persons within disability (more than 40% disability) may be allowed a relaxation of two years on the maximum duration. In addition, the women candidates may be provided maternity leave/child care leave once in the duration of the Ph.D. Programme for up to 240 days.”

The aforesaid Clause is subsequently amended by another Direction No. 11 of 2017 brought into force on 13.04.2017. The aforesaid Clause 13 is substituted as under;

“13. Tenure of Registration

Full time Ph.D degree program shall be for the minimum duration of three years and part-time Ph.D. degree program shall be for the minimum duration of the four years and six months including course work and a maximum of 6 years for full-time as well as for part-time Ph.D. program from the date of registration as per the provisions of this Direction. The women candidates and persons with disability (more than 40% disability) may be allowed a relaxation of two years in

the maximum duration for both the Ph.D. programs. In addition, the women candidates may be provided maternity leave/child care leave once in the duration of the Ph.D. Programme for up to 240 days.”

The effect of bringing into force Direction No. 81 of 2016 changing the Clause regarding Tenure of Registration, read with subsequent amendment in the Direction No. 11 of 2017 brought into force, is that 5 years tenure of Registration contained in Clause 14 of Direction No. 10 of 2011 stands superseded and instead of it, a maximum period of 6 years from the date of registration is made available. There is also a relaxation of 2 years provided to women candidates. Thus, the maximum tenure of registration for women candidates would be of 8 years and there is no provision or requirement to apply for extension of the tenure of registration or to grant it, as; is contained in Clause 14 of the Direction No. 10 of 2011.”

6. Considering the said observation, it is now common ground that the tenure or period of registration contained in clause 14 of direction 10 of 2011 stands superseded and substituted by maximum period of six years from the date of registration.

7. The learned counsel for the University fairly states that the decision in **Ms. Shipra Yadav** has not been challenged by the University.

8. In view of the decision in **Ms. Shipra Yadav**, it will have to be held that the tenure of registration is six years and that an application for extension was wholly unnecessary.

9. Be that as it may, considering that the petitioners were entitled, as a matter of course, to the tenure of six years of registration, we quash and set aside the decisions impugned.

10. We declare that the petitioners shall be entitled to submit the thesis within twelve months from the date of this order.

11. The petitions are disposed of in the aforestated terms.

(Y.G. Khobragade, J.)

(Rohit B. Deo, J.)

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