



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

WRIT PETITION NO. 1077 OF 2023

Roshan Mahadeorao Moon,
Aged about 33 years, Occu. : Service
R/o. C/o Giridhar Dharampuriward, Sai Layout,
Parshioni, Tal. Parshioni, District Nagpur. **PETITIONER**

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

1. Rashtrasant Tukdoji Maharaj Nagpur University
Nagpur, through its Registrar,
Jamnalal Bajaj Administrative Building,
Near University Campus, Campus-Ambazari Road,
Nagpur-440 033.
2. The Deputy Registrar, Ph.D.Cell,
Rashtrasant Tukdoji Maharaj Nagpur University
Pariksha Bhawan, LIT Campus,
Amravati Road, Nagpur-440 010. **RESPONDENTS**

Shri B.G.Kulkarni, Advocate for petitioner.
Shri S.S.Godbole, Advocate for respondents

CORAM :- A.S.CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.
ARGUMENTS WERE HEARD ON : 20th SEPTEMBER, 2023
JUDGMENT IS PRONOUNCED ON : 10th NOVEMBER, 2023

JUDGMENT (Per A.S.CHANDURKAR, J.)

In view of notice for final disposal issued earlier, the learned counsel for the parties have been heard by issuing **Rule** and making the same returnable forthwith.

2. The petitioner being desirous of acquiring Ph. D. submitted an application for grant of such registration on 10.03.2015 to the first

respondent - Rashtrasant Tukdoji Maharaj Nagpur University (for short, the University). The consideration of the petitioner's application was governed by the provisions of Direction No.29 of 2012 framed by the University. In the meeting of the Research and Recognition Committee that was held on 02.06.2015 the petitioner's application for registration was resolved to be accepted. On 08.10.2015 the petitioner was informed of the acceptance of the said application by the Deputy Registrar of the University. In accordance therewith, the petitioner commenced his thesis and other ancillary activities with a view to obtain Ph.D. qualification on 10.10.2015. On 01.06.2022 the petitioner moved an application seeking permission to submit the thesis in that regard. He was informed on 14.06.2022 that as per Clause 10 of Direction No. 29 of 2012, it was necessary for the petitioner to have applied for registration prior to 09.12.2019. On this count, the request made by the petitioner on 01.06.2022 was not accepted. On 16.06.2022 the petitioner issued another communication to the Vice-Chancellor of the University stating therein that as per the public notice issued by the University Grants Commission on 17.05.2022 an extension of six months had been granted to submit the thesis. It was thus requested that the petitioner's application seeking permission to submit the thesis be considered accordingly. On 01.07.2022 the petitioner was informed that as he had not sought extension of time to submit the thesis prior to 09.12.2019 and the benefit of exclusion of period during the pandemic commencing from 20.03.2020 was not

admissible, his request could not be considered. Being aggrieved the petitioner has challenged the communications dated 14.06.2022 and 01.07.2022 in the present writ petition.

3. We have heard the learned counsel for the petitioner as well as the learned counsel for the University and we have also perused the relevant material on record. It is to be noted that as per Direction No.29 of 2012 the procedure for admission/registration for acquiring Ph. D. has been prescribed by Clause 9 and the tenure of registration is indicated by Clause 10. The date of submission of an application form seeking admission to Ph. D. programme is considered as the date of registration subject to approval of the Research and Recognition Committee. It is only after acceptance of such application by the Committee that a candidate is treated as registered Ph.D. candidate. Meeting of the Research and Recognition Committee is required to be convened within sixty days from the last date of the application for registration of the Ph.D. The dates indicated are 15th January and 15th July of every calendar year. After approval of an application by the Research and Recognition Committee, the particulars of a candidate with other details have to be displayed on the website of the University within one month as far as possible. As per Clause 10 of Direction No.29 of 2012, the registration of a candidate would be valid and would remain in force for a period of five years from the date of registration. An application for extension of the period of registration could be submitted

at-least three months prior to the expiry of the registration.

The aforesaid is the scheme prescribed under Direction No.29 of 2012.

4. We find from the material on record that the petitioner had applied for registration on 10.03.2015 and the meeting of the Research and Recognition Committee was held on 02.06.2015. This was intimated to the petitioner on 08.10.2015. The aforesaid dates would indicate that the time prescribed by Clause 9 of Direction No.29 of 2012 was not shown to be scrupulously followed by the University. It has not been indicated that the meeting of the Research and Recognition Committee was held within sixty days from the last date of applications for registration of Ph. D. Similarly, though the name of the petitioner was approved by the Research and Recognition Committee on 02.06.2015, the intimation in that regard was given after about four months and six days on 08.10.2015. It is on this basis, the petitioner commenced his work on the thesis on 10.10.2015.

On 17.05.2022 the University Grants Commission issued a public notice granting extension upto six months beyond 30.06.2022. Such extension was to be granted on case-to-case basis based on review of student work by the Advisory Committee.

5. The petitioner in his application dated 16.06.2022 sought to bring to the notice of the Vice Chancellor the aforesaid public notice dated

17.05.2022 and seek benefit thereof. The same has however not been taken into consideration in the communication dated 01.07.2022 on the premise that the application for extension of the period of registration ought to have been made by 09.12.2019 but the petitioner had made the same subsequently.

The issue that requires consideration is if the University itself did not abide by the time frame prescribed by Clause 9 of Direction No.29 of 2012 whether benefit in the facts of the present case of public notice dated 17.05.2022 issued by the University Grants Commission could be extended to the petitioner. It is no doubt true that the date of submission of the application form is to be considered as date of registration of its approval by the Research and Recognition Committee. However, as indicated above when the time frame prescribed therein was not be adhered to by the University, whether it was justified in insisting for such compliance from the petitioner. We find that in the facts of the present case, it would be necessary for the University to consider whether the benefit of the public notice dated 17.05.2022 issued by the University Grants Commission can be extended to the petitioner. This public notice was brought to the notice of the Vice Chancellor but the same has not been taken into consideration while refusing to extend the time to submit the thesis.

6. In aforesaid facts, we find that the petitioner's request for extension of time to submit the Ph. D. thesis requires re-consideration at the

hands of the University in the light of the observations made hereinabove and after taking into consideration the public notice dated 17.05.2022 issued by the University Grants Commission. The said public notice itself requires examination on case-to-case basis and we are of the view that the petitioner's case also deserves examination in this context.

7. For aforesaid reasons, with a view to enable the University to re-consider the petitioner's request for extension of time to submit the Ph. D. thesis, the communications dated 14.06.2022 and 01.07.2022 are set aside. The University is directed to re-consider the petitioner's request for extension of time to submit the Ph. D. thesis in the light of the observations made hereinabove as well as the public notice dated 17.05.2022. The necessary exercise be undertaken within a period of four weeks of receiving copy of this judgment in accordance with law.

8 Rule stands disposed of in aforesaid terms with no order as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

Andurkar.