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W.P.No.17384 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.17384 of 2023
and WMP.Nos.16523 & 16524 of 2023

Faisal

.... Petitioner

Vs

- 1.The Vice Chancellor
Pondicherry University
Chinnakalapet, Kalapet
Puducherry - 605 104.
- 2.The Deputy Registrar (Exam)
Pondicherry University
Chinnakalapet, Kalapet
Puducherry - 605 104.
- 3.Prof.Mohanan Bhaskaran Pillai
Professor (Retd)
Department of Politics and International Studies
Pondicherry University
Puducherry.
- 4.Dr.N.K.Kumaresan Raja
Head of the Department
Department of Politics and International Studies
Pondicherry University
Puducherry.



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5.Santhosh Mathew

Assistant Professor

UMISARC, Centre for South Asian Studies

Pondicherry University

Pondicherry.

.... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to Ph.D., Cancellation order bearing PU/CE/PHD/2022-23/625 dated 28.09.2022 issued by the second respondent which was served to the petitioner on 12.11.2022 through email and to quash the same as patently illegal malafide and without jurisdiction and consequently direct the respondents 1 to 2 to restore the petitioner's Ph.D. registration and allow him to complete his Ph.D. programme in Pondicherry University.

For Petitioner : Mr.NGR Prasad
Assisted by Mr.R.Thirumoorthy

For Respondents : Mr.M.Ravi
Standing Counsel for R1 & R2

ORDER

The grievance of the petitioner is that the petitioner has registered himself for Ph.D., in International Politics in Pondicherry University in 2019, and that his registration was cancelled by the second respondent Vide



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proceedings dated 28.09.2022, and the impugned proceedings states that it was done on the recommendation of the Supervisor.

2.The learned counsel for the petitioner brought to the notice of this Court the regulations relevant to Ph.D courses published by the Pondicherry University for the academic year 2018-2019, and specifically brought to the notice of the Court clause (7) thereof which *inter alia* provides that where progress of the Research Scholar is found to be unsatisfactory, the Doctoral Committee is required to record the reasons for the same and suggest corrective measures, and if the Research Scholar fails to implement the correctives, only then his registration as a Research Scholar can be cancelled and under clause 7(a) Registration can also be cancelled if a guide of the research scholar records lack of progress.

3.According to the petitioner, the petitioner's Guide is stated to have provided a note dated 18.08.2022, wherein he has indicated that the petitioner indeed is showing improvement. The petitioner now requires the intervention of this Court for restoration of his registration as a Research Scholar.



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4. The respondents 1 and 2 have filed their counter, and the counsel for the respondents made the following contentions :

(a) The petitioner by his own averment has conceded that there was a strike by the students challenging the fees hike by the University, and the University has debarred some 11 students without any notice for the period of five years and also imposed a fine of Rs.10,000/-. Following this, these 11 students moved this Court with a batch of writ petitions in W.P.Nos.866 of 2022 & batch etc., and this Court vide its order dated 31.01.2022, required the University to consider the apology letters of those students and to withdraw the impugned order. While the affidavit does not categorically state about the participation of the petitioner in that strike, he did make an indication that he had completed the course by now.

(b) He also submitted that the college was closed for COVID-19, and hence he could not make progress as he could not consult the library, and that he hails from a rural area, he did not have internet access, and that the University opened only on 25.10.2021, and by



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that time, his Guide, the third respondent herein was on sabbatical leave, and within few months he superannuated, to be precise on 31.05.2022. It is in this circumstances, the petitioner claim that his Guide who previously recommended the cancellation of his candidature for non-performance, has given a note dated 18.08.2022 that the petitioner is seemingly making some progress.

It is very apparent, argued the learned counsel, the petitioner by his own statement has conceded, he was not performing and he has not challenged it. He also submitted that the order cancelling the petitioner's candidature for the research programme was more likely under Regulation 7(a) of the Ph.D., Regulations of Pondicherry University.

5. After weighing the rival contentions, this Court considers that the impugned proceedings cancelling the petitioner's candidature for the research programme does not appear to be one under Regulation 7(a). This Clause envisages that where the University decides to cancel by the recommendations of the Doctoral Committee based on lack of progress as reported by the Guide of the petitioner, an opportunity of hearing must be



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given to the candidate for defending the case. But a rider to this is under

Clause-7(b). Clause 7 of Ph.D., Regulations of Pondicherry University reads as under :

"7. Cancellation of Registration :

(a) Registration may be cancelled on the recommendations of the Doctoral Committee, based on the lack of progress as reported by the Guide, and also after giving due opportunity to the Candidate for defending his/her case.

(b) In case the progress of the Research Scholar is unsatisfactory, the Doctoral Committee shall record the reasons for the same and suggest corrective measures. If the Research Scholar fails to implement these corrective measures, the Doctoral Committee may recommend with specific reasons the cancellation of the registration of the Research Scholar.

(c) Registration of the Candidate will be automatically cancelled if he/she fails to submit the Ph.D. Thesis within the maximum time limit prescribed in clause 3.4."

6. If regulation 7(a) and 7(b) are read together, it make both the provisions operational. It becomes necessary for Regulation 7(b) to operate at first instance, to be followed by 7(a) consequences. In other words, where the



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progress of the research scholar is unsatisfactory, he must be given an opportunity to correct the same, and only if the research scholar fails to implement those corrective measures, then the Doctoral Committee may recommend for its cancellation. Therefore, the recommendations for cancellation cannot be immediate, but it has to wait till the Doctoral Committee assess any improvement on the part of the research scholar.

7. If the impugned proceedings is tested on the plane of what is herein above discussed, then this Court has little doubt to hold with this impugned proceedings and the University cannot be sustained. Under Clause 3.4, the maximum period allowed for submitting the thesis is only six years from the date of registration, but it is necessary that the period lost during COVID lock-down and the period from the cancellation of his registration till he is given the proceedings for joining the course again by the University will stand deducted.

8. To conclude, this Court allows the petition, and sets aside the impugned proceedings of the second respondent dated 28.09.2022. The respondents 1 and 2 are also directed to issue proceedings re-admitting the petitioner for



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the course, within a period of three weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

30.08.2023

Index : Yes / No
Speaking order / Non-speaking orders

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N.SESHASAYEE.J.,

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