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W.P.No.20342 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :29.08.2023

Pronounced on : 30.11.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.20342 of 2020
and WMP.No.25140 of 2020

S.Sakkarapani

... Petitioner

Vs

1.The Registrar

University of Madras
Chepauk
Chennai - 600 005.

2.The Controller of Examinations

University of Madras
Chepauk
Chennai - 600 005.

3.Dr.P.Madurai Veeran

Professor & Head of Department
Department of Public Administration
Chepauk, Chennai - 600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying for a Writ of Certiorarified Mandamus calling for the records in



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Order No.Ph.D/24/PT/10/2002/3480 dated 17.07.2018 passed by the second respondent, quash the same and consequently direct the second respondent to give necessary order by granting exemption to the petitioner to submit the thesis with synopsis on WOMEN DEVELOPMENT PROGRAM [A study of SJSRY (Sorna Jayanthi Sagari Rojgar Yojana) in Ambattur Municipality] done under the guidance of the third respondent herein, as per the Ph.D/Eval-I/Exemption/2019/118 dated 27.02.2019.

For Petitioner : Mr.L.N.Pragasham

For Respondents : Mr.V.Sudha for R1 & R2
Mr.D.Rajagopal for R3

ORDER

A broad statement on the nature of the dispute may be now made: The petitioner had registered himself for a Ph.D., programme, but did not complete it within the time stipulated. While so, the University brought in a kind of amnesty for all those who had defaulted in completing the Ph.D., programme vide its communication dated 27.02.2019. The petitioner tried to avail it, but since it was rejected by the University, the petitioner is before this Court with this petition challenging the said proceedings of the University. The facts which are relevant to the current purpose is stated in greater detail:



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- a) On 17.08.2002, the petitioner was provisionally registered for a Ph.D., programme in Public Administration with the 1st respondent, under the 3rd respondent as his guide. It was to commence from 19.10.2002.
- b) According to the petitioner, on 01.08.2008, he had submitted his thesis, and it was scrutinized by the Doctoral Committee, comprised of Dr.Thandavan, Dr.M. Kaliaperumal and Dr. Maduraiveeran, but in 2010, the petitioner was informed that the thesis submitted by him was misplaced.
- c) Hence, the petitioner re-registered himself for another two years and on 10.08.2012, he had paid necessary fees for the same.
- d) On 29.10.2014, the petitioner submitted his thesis along with fee required to be paid through a demand draft for Rs.15,000/-. This, according to the petitioner, was duly received by the University, and the amount was credited to the account of the University on 18.12.2014. Later, on 09.10. 2017, the petitioner narrated these facts in his representation to the University. This was followed by another two representations dated 24.08.2018 and 14.03.2019.
- e) It is in this setting, the University came out with a notification dated



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27.02.2019, which it issued through the Controller of Examination, the 2nd respondent herein. Through this notification, the University had informed all the affiliated colleges and also the Directors of research institutions to the effect that the synopsis and thesis can be received from the defaulters up to 11.08.2019 as one time exemption on payment of penalty of Rs.1.0 lakhs by the part time scholars and Rs.50,000/- by the full time scholars.

- f) In the meantime, the petitioner again came to know that the his thesis was again misplaced. Left with little option, on 15.03.2019, the petitioner again applied for re-registration along with Rs.1,000/- to the first respondent and it was duly received. And, vide its communication dated 19.08.2019, the University had informed the petitioner that petitioner's request to avail one time exemption is not feasible of compliance, since his Ph.D., registration has already been cancelled.

This communication of the University is now under challenge.

2. The first respondent had filed the counter affidavit, where it is averred:

- a) In terms of the guidelines for doing Ph.D., **within one year from the**



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date of registration, the registered research-student must submit

his course examination. This is the first condition, but the petitioner did not submit it till 19.10.2003, on which date the stipulated one year period for submitting his course examination expired.

- b) The initial term provided for completing the Ph.D., programme is **six years** but it is extendable up to two spell of two years each. This implies that the Ph.D programme should be completed not later than 10 years in all. And, if a student does not submit the thesis within this ten years, a student may apply for re-registration, but only for another two years. At no time the petitioner submitted his synopsis or thesis.
- c) On 05.06.2018, the petitioner had addressed a letter to the University, requesting the latter to cancel his Ph.D. Registration. Acting on the same, the University had cancelled his registration on 17.08.2018, and the same was communicated to the petitioner as well.
- d) Since the registration of the petitioner was already cancelled, he is not



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eligible to take advantage of the one-time-concession given by the University vide the communication of the second respondent dated 27.02.2019, to those research students who had not submitted the thesis within the time stipulated.

3. The third respondent, the guide of the petitioner, has filed his affidavit in which Paragraph 4 states that the petitioner indeed filed his synopsis and thesis on 29.10.2014.

4. Heard both sides. The learned counsel for the university, on instruction, submitted that there is no record to indicate that the thesis was actually submitted by the petitioner on the date mentioned above. The learned counsel also added that this affidavit was filed by the third respondent after his retirement from the university.

Discussion & Decision:

5. There is no dispute that the petitioner herein had registered himself for a Ph.D. Programme in 2002, to be precise on 19.10.2002. And, as per applicable Regulation, the thesis must be submitted within 6 years from the



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date of registration, and this period is extendable by another 2 years. And the regulation also provides that if a student fails to submit the thesis within 6+2 years, then he/she must have to re-register for another two years. According to the University, the petitioner had not submitted his thesis at any time within this period of ten years.

6. Here, the petitioner presents a vital document: The Minutes of the Meeting of the Doctoral Committee, dated 01.08.2008. In this meeting the synopsis of the petitioner was seen to have been scrutinized by the committee. The Committee is appeared to have been satisfied with the work of the petitioner and has recommended that the petitioner be permitted to submit the synopsis and also the thesis subsequently. If the petitioner had not submitted his synopsis or thesis, then is it the case of the University that the copy of the Minutes of the Meeting of the Doctoral Committee is a fabrication? The counter affidavit is silent on this fact.

7. Then comes the second fact. According to the petitioner, on 29.10.2014, he had submitted his thesis along with the prescribed fee of Rs.15,000/-. The receipt of the amount is not specifically denied. Now, if the original



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term within which a candidate admitted to Ph.D programme had expired, why the University should receive this amount? The counter is particularly silent about it.

8. The next fact is about a handwritten letter of the petitioner, dated, 09.10.2017. Its copy is made available on record. This letter is addressed to the first respondent, wherein the petitioner complains about evasive replies that he was given by the concerned staff of the Ph.D section, and also provides the details of when he submitted his draft for Rs.15,000/-, and also when it was credited to the account of the University. The University, however, continued to be persistent with its alliance with silence.

9. Through his counter affidavit (or is it supporting-affidavit), the third respondent, the guide of the petitioner, vouchsafes these facts. To remind with an emphasis that he was the member of the Doctoral Committee, which had minuted its satisfaction about the synopsis submitted by the petitioner, and recommended that, it, along with the thesis be submitted, in the meeting dated 01.08.2008. According to the first respondent, the 3rd respondent had retired from his service when he filed this affidavit. However, this Court



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considers the fact that the third respondent had retired, does not necessarily mean what is averred must be suspected. After all the 3rd respondent was given an occasion to speak to his knowledge on the issue only now. The University chose not to react to this affidavit pointedly.

10. What could be derived out of these facts? The case of the petitioner is that he had submitted his synopsis and thesis, but it was lost in the University. Apparently, the synopsis had been approved by the Doctoral Committee. Now, it would be contrary to the ordinary course of human conduct for a student not to submit his synopsis after the Doctoral Committee had cleared it. And, the 3rd respondent does speak about his knowledge about the petitioner submitting his synopsis and thesis. It should be emphasised that the third respondent was the petitioner's guide, and this court finds no reasons to suspect it, more so when the University did not provide any material to suspect his credibility.

11. The next intriguing aspect is that, if according to the University the Ph.D programme should have been completed within 10 years (which includes the extended period of two years and re-registration period of two



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years, which are intended for defaulters), and that there is no provision to receive the synopsis and thesis after the ten years period, then how come the University received the fee of Rs.15,000/- on 19.10.2014? The point is, if the 10 year period within which a research student is required to complete his Ph.D. Programme is considered mandatory, then this period would necessarily end in 2012. But the University had received the fee of Rs.15,000/-, two years later in 2014. Taking it along with the affidavit of the 3rd respondent, it creates a strong probability that the case of the petitioner – that the University had misplaced his thesis, might be true even though it appears strange. And, the silence of the University on specific assertions of the petitioner adds strength to this conclusion.

12. It is in this backdrop, the University has come out with its letter/ circular dated 27.02.2019, a document on which the foundation of this case is laid.

It reads:

"No.Ph.D./Eval.-I/Exemption/2019/118

Dated : 27 Feb 2019

From:

*The Controller of Examinations
University of Madras.*

To



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- 1.All the Campus Director's / HOD's., University of Madras.
- 2.All the Principals of Affiliated Arts and Science Colleges.
- 3.All the Director's of Research Institutions.

Sir/Madam,

Sub: Ph.D. - One time exemption to submit thesis after the maximum period of Ph.D.Research exhausted been granted upto 11th August 2019 with penalty intimated - Reg.

I am by direction to inform you that the Ph.D. candidates whose maximum period of registration including the Re-registration period was expired be permitted to submit their Synopsis & Thesis with a penalty fee of Rs.50,000/- for Full-Time research scholars and Rs.1,00,000/- for part-time research scholars as one time exemption upto 11th August 2019.

Further, the Ph.D. candidates those who have already submitted their Thesis after expiry of maximum registration period shall be taken up for processing after paying the penalty fee as mentioned above.

In this connection, I am also to inform you that the candidates should submit their Synopsis and Thesis on or before 11th August 2019.

It is also informed that no further extension of time will be granted after the deadline of 11th August 2019. "

This communication, nowhere has set a timeline with reference to which the default in submitting the thesis may go. On the face of it, it should apply to all those who had failed to submit the thesis within the time stipulated in the guideline for completing the Ph.D programme.



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13. The petitioner would now apply through this window. Vide impugned proceedings of the 2nd respondent, dated 19.08.2019, the petitioner's application preferred under the circular was rejected, and the cryptic reason given was that the petitioner's registration for the Ph.D. programme had been cancelled. Not even the date on which it was cancelled was provided therein. The details however, are provided in the counter of first respondent. It cites the letter of the petitioner, dated 05.06.2018, and the University contends that the petitioner has requested for cancellation of his registration. The University did not produce the copy of the letter of the petitioner that it claimed to have received, but the petitioner had filed it, and the University did not deny it. This letter is now reproduced:

"..... Sub.: Request for to return the original certificate

I have registered for Ph.D. under guidance of Dr.P.Maduraiveeran, Assistant Professor, Department of Public Administration, Presidency College, Chennai-5. Due to my transfer to Jolarpet, I could not complete my Ph.D., I want to registered a fresh. Therefore, I request you to return my original certificate. Kindly do the needful.

..... "



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Nowhere this Court finds any request from the petitioner to cancel his registration. The letter only shows the frustration of the petitioner as he claims back his certificates which are in the custody of the University since 2002. According to the University, it construed this communication from the petitioner as a request for cancellation of registration, based on which it claims to have cancelled the petitioner's registration for Ph.D programme on 17.07.2018.

14. It is in this background the petitioner seeks re-registration vide his letter dated 14.03.2019 and with a draft for Rs.1000/-. This was soon after the second respondent had come out with his scheme for submission of thesis for defaulted students, dated 27.02.2019. Does it not indicate that the petitioner knew about the cancellation of registration, but for which he need not have sought re-registration?

15. The facts show an oscillating tendency as its pendulum swings between both the sides. The inferences that could be drawn from these facts are now collated:



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- a) That notwithstanding the ten years outer time limit said to have been prescribed for completing the research programme by 2012, the petitioner was allowed to continue it till at least 2014. Refer to the affidavit of the 3rd respondent.
- b) If there is no possibility of saving the registration beyond the two years period within the ten year period (Ref: paragraph 11 above), then the 3rd respondent could not have spoken about certain facts said to have happened in 2014.
- c) And, for the same reason, there is no need for the University to cancel his registration as claimed by it on 17.07.2018.
- d) And, because there is no registration subsisting when the amnesty-scheme for the research students in default was introduced by the second respondent on 27.02.2019, the petitioner seeks re-registration.

16. With this Court indicating its reasons to tilt the probability of the petitioner's case about loss of his thesis in the University, this cannot be shifted to the petitioner. It is to provide a cover for this fact, the University might have allowed re-registration beyond 2012 and should have let the



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petitioner file his thesis even in 2014. According to the petitioner, it was lost again. If this contention of the petitioner is false, then the University must come out with a stronger case, but it apparently had kept alive his registration till July, 2018. The University has much to answer, but it has revealed very little.

17. The ideal solution will be to allow the petitioner to re-register for the research programme for which he had applied on 14/15.03.2019. That will save a lot of embarrassment for the University.

18. To conclude, this Court directs the respondents 1 and 2 to ascertain about the application of the petitioner dated 14/15-03-2019 for re-registration, and then to re-register the petitioner, if there is any application, and then to allow the petitioner to submit his thesis. This petition is accordingly disposed of. No costs. Consequently, connected miscellaneous petition is closed.

30.11.2023

Index : Yes / No
Internet : Yes / No
Speaking order / Non-speaking order
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To:

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University of Madras
Chepauk
Chennai - 600 005.
- 2.The Controller of Examinations
University of Madras
Chepauk
Chennai - 600 005.
- 3.The Professor & Head of Department
Department of Public Administration
Chepauk, Chennai - 600 005.



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N.SESHASAYEE.J.,

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Pre-delivery order in
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