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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP-12189-2018 (O&M)
Date of decision: 08.11.2023**

Manjeet Kaur

....Petitioner

Versus

Punjab University Patiala & Ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. K.S. Hissowal, Advocate for the petitioner.

Mr. Abhishek Kaushik, Advocate
for Mr. Vipul Jindal, Advocate
for the respondents.

VINOD S. BHARDWAJ J. (Oral)

Prayer made in the present petition is for seeking direction to the respondents to arrange for a Guide to help the petitioner in completing her doctorate (Ph.D) in English subject.

Counsel for the petitioner contends that the petitioner is a Post-graduate in English and had completed her Masters of Philosophy. In pursuit of academic career, she got herself enrolled for a Ph.D. Programme in English language through Punjab University, Patiala. After enrollment, she started doing the research under the guidance of a Guide. It is averred that the Guide namely Professor Inderjeet Kaur, opted by the petitioner, however, was not cooperating with her and that she informed the petitioner that if she is not satisfied with her, she may change her Guide. The petitioner claims that she wanted to do the

research work under the guidance of Smt. Inderjeet kaur but as she is not interested, she is left with no option but to seek another Guide to be appointed by the respondent/University. Representation in this regard was submitted by the petitioner to the University, however, necessary action/decision has not been taken.

Counsel for the respondent/Punjabi University, Patiala, argues that the present writ petition for the prayer made is not maintainable. There is no provision under the University Calender for University to assign any guide. The ordinance as is effective from the session 2017 pertaining to the course work of Ph.D. Programme, and relied upon by the respondents, are extracted as under:-

"4. Course work for Ph.D. programme:

The candidate qualifying the entrance test or those who are exempted from entrance test will have to pass Ph.D. Course work during the initial one or two semesters before registration in the Ph.D programme of the University. However, they will have to choose supervisor from University on their own before taking admission to Ph.D course work or before enrolment for the Ph.D. programme.

(A).....

(B).....

(D)....

5. ENROLMENT FOR Ph.D. PROGRAMME :

5.1 Procedure for enrolment :-

An eligible candidate seeking admission to Ph.D programme shall be required to attend the interview

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conducted by the department in order to assess and discuss his/her competence for the research and area of interest.

An eligible candidates seeking admission to Ph.D. will select a supervisor for himself/herself from the University and take the written approval of the supervisor before enrolment of Ph. D. programme.....”

The eligible candidates can enrol themselves for Ph.D degree by filling up the enrolment-cum-admission form. The candidates who are required to do the Ph.D. course work as per rules will fill up the forms by the stipulated date in order to join the course work. The candidates who are exempted from doing the Ph.D. course work as per rules can enrol themselves for Ph.D. Degree all the year round by filling up the enrolment-cum-admission form....."

It is, thus, argued that as per the ordinance, the candidates seeking admission to the Ph.D. Programme has to select the Supervisor for himself from the University and take approval of the said Supervisor before the enrollment to the Ph.D. Programme. The University, thus, does not assign any Guide under the ordinance. Hence, in the absence of any duty or function of assigning a Guide to a candidate, such obligation cannot be cast upon them. It is further argued that the petitioner is not even enrolled for the Ph.D. Course with the Department of English, till date. As per the record, the enrollment for the Ph.D. Programme ended on 11.03.2013 as her registration did not materialise during the period from 12.09.2011 to 11.03.2013. A reference was made to the note at the bottom of ordinance No.3, which reads, thus:-

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"The candidates who qualify the entrance test and also attend the interview will be included in the pool of candidates for Ph.D. Their candidature will remain valid for two years i.e. upto the date of Ph.D entrance test to be held after two years. If a candidate having passed Ph. D. Entrance test is unable to take admission to Ph.D. course work because of non- availability of supervisor but finds a supervisor after the last of admission to Ph.D. course work, he/she is allowed to enrol in Ph.D. programme, however, he/she will have to take admission to Ph.D. course work in the next year.

The entrance test for Ph.D. programme is an eligibility test for short listing the applicant for purpose of consideration by the department and admission to Ph.D programme is not based on merit/score in the entrance test. Merely qualifying the Ph.D. eligibility test will not entitle the student to secure admission in the Ph.D programme."

It is argued that in view of the efflux of enrollment of the petitioner, there is no occasion for the respondent/University to even make any attempt. The petitioner had to submit an application for a fresh enrollment on or before 17.02.2015 and no such application was also submitted by her. Not being enrolled as a candidate for a Ph.D. course, there is, thus, no occasion that she is in capacity to pursue her Ph.D. course.

I have heard counsel appearing for the parties and have gone through the documents appended with the present reply.

Counsel for the petitioner could not refer to any statutory provision/provision of ordinance under which the University is

obligated to provide for a Guide. There is no challenge to the provision of the ordinance as per which, the consent of a Guide has to be obtained by a candidate desirous of completing her Ph.D. In the absence of any challenge to the said clauses, the condition prescribed therein, is a pre-requisite and to be satisfied by the candiate. The petitioner is now wanting that allocation of Guide should be made by University but such duty is not assigned to the University as per Rules, hence, they cannot be hold to be in breach of any statutory or public duty. The other issues pertaining to alleged hardship, if any, cannot be looked into for want of challenge to the provision itself. Even otherwise, the registration of the petitioner for Ph.D. Programme has also come to an end and that she has not got herself re-registered with the respondent/University. Hence, there is no subsisting claim of the petitioner even for seeking consent of a Guide or for nominating any Guide as she is not enrolled for the Ph.D. course.

In view of the above, the present petition is dismissed, at this stage. However, liberty is granted to the petitioner to take recourse to appropriate remedies available to her, in accordance with law.

(VINOD S. BHARDWAJ)
JUDGE

08.11.2023

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No