

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15048 of 2019

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Nalini Kumar Verma Son of Shri Ashwani Kumar Verma, Sisawan Dhala,
Lakshmipur, Near Hanuman Mandir, P.S.- Siwan, District- Siwan, Pin-
841226.

... .. Petitioner/s

Versus

1. The State Of Bihar Through the Principal Secretary, Education Department,
Bihar, Patna.
2. Chancellor of the Universities of Bihar, Raj Bhawan, Patna.
3. Jai Prakash University, Chapra, through its Registrar.
4. Vice Chancellor, Jai Prakash University Chapra.
5. Controller of Examinations, Jai Prakash University, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhinav Srivastava
For the Respondent/s	:	Mr. Prabhakar Jha (Gp27)
For the J.P.U.	:	Mr. Bindhyachal Rai
		Mr. Chandan Kumar
For the Chancellor	:	Mr. Janardan Pd. Singh, Sr. Adv
		Mr. Rajiv Ranjan Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 29-07-2024

Heard the parties.

2. The present writ application has been filed for the
following reliefs:

*(i) Issuance of a direction, order or writ,
commanding the concerned respondent authorities
under the Jai Prakash University, Chapra
(hereinafter referred to as “the University”) to
allow the petitioner to submit his Ph.D thesis on
the basis of his registration under the University
for award of Ph.D. degree in terms of the
provisions contained under the Ordinance &*



Regulations governing the award of Ph.D degree by the University.

(ii) Issuance of a direction, order or writ, commanding the concerned respondent authorities under the University to take further steps towards award of Ph.D. degree in favour of the petitioner, in terms of the provisions contained under the Uniform Ordinance Regulations Governing Award on Ph.D. degree by the Universities of Bihar as contained in and communicated by a letter dated 06.11.2012 bearing letter no.BSU-05/2010-1451-GS(1) issued from the Governor Secretariat, Bihar, Patna, which in turn has been implemented in the University as well, by a notification dated 22.12.2012.

(iii) For any other relief/reliefs that the petitioner may be found to be entitled to in the facts and circumstances of the case.

3. The case at length is that in terms of the provisions contained under the existing Regulations for Award of Ph.D. degree prevalent under the University during the relevant time, amongst other persons, the petitioner participated in the Pre-Ph.D. test, 2008 conducted by the University, following which, on the basis of his performance in the said test, the petitioner was declared to be qualified in the said Pre-Ph.D Registration Test. After having been declared to be qualified in the Pre-Ph.D Test, 2008, the petitioner submitted his application for



registration for Ph.D. degree under the University along with requisite fees on 03.08.2011 which was duly accepted by the concerned authorities under the University (Annexure-2 of the writ petition).

4. Thereafter, a letter dated 13.06.2012 was issued from the Examination Department of the University by which the petitioner was informed that his application for registration for Ph.D. degree and synopsis on the subject, “Study of Almost Periodic Motion and its Relation with Suitability Concepts in Topological Dynamics” had been approved and further that name of the petitioner has been provisionally selected subject to the conditions laid down by the Research Council from time to time w.e.f 03.08.2011 (Annexure-3 of the writ petition).

5. The petitioner continued with the research work in relation to his Ph.D. thesis and in the meantime, he submitted an application dated 21.09.2015 before the Controller of Examinations of the University for extension of duration of the Ph.D. programme being pursued by him by a period of two years (Annexure-4 of the writ petition). Thereafter, vide letter dated 27.07.2017 issued by the Controller of Examinations of the University, the Head of the Mathematics Department of the University was informed with respect to the decision of the



University for extension of duration for submission of Ph.D. thesis by the petitioner till 02.08.2017 (Annexure-5 of the writ application).

6. In the meantime, the petitioner made pre-submission presentation on his Ph.D. thesis of 29.07.2017 before the concerned authorities in the Department of Mathematics of the University and after the approval of the same by the Departmental Research Council, the thesis of the petitioner was forwarded for submission (Annexure-6 of the writ petition). Thereafter, the petitioner submitted a representation dated 01.08.2017 before the Controller of Examinations of the University and while stating that the research of the petitioner had already been completed prior to 02.08.2017 and he may be permitted to submit his thesis in the University and as such, it was requested that necessary permission be granted in the said respect to the petitioner (Annexure-7 of the writ petition).

7. The petitioner was subsequently informed that for submission of immigration certificate by the petitioner, his Ph.D registration under the University had not been done on account of which the thesis by the petitioner as aforesaid was not being accepted by the University, and under these facts and circumstances, petitioner submitted several representations



before the concerned authorities under the University requesting therein that the petitioner may be granted necessary permission for allowing the Ph.D. registration under the University and accordingly, allow him to submit his thesis (Annexure-8 of the writ petition).

8. The petitioner during the relevant time was and even now is continuing in the capacity of an Assistant Professor in Mathematics at the College, in terms of the provisions contained under the Ordinance and Regulations Governing the Award of Ph.D. degree by the University, he was entitled for completing the programme within a period of six years, which was further liable to be extended by a period of two years, and in view of the above, petitioner by the aforesaid representations had also requested the concerned authorities for extending the duration for submission of the Ph.D. thesis by him by a further period of two years and despite the fact that he had already submitted his Ph.D. thesis on 29.07.2017, on account of technical flaw the Ph.D. registration of the petitioner was not treated to be valid, the said submission of thesis by him was considered to be invalid.

9. Meanwhile, a letter dated 06.10.2017 was issued by the Head of the Department, Mathematics, by which the Controller



of Examinations of the University was informed with respect to the applications submitted by the petitioner for grant of extension of duration for submission of the thesis by him, on which the Departmental Research Committee during its meeting held on 06.10.2017 had decided to grant third extension in favour of the petitioner for submission of thesis by him (Annexure-9 of the writ petition).

10. Thereafter, the Ph.D. registration of the petitioner was duly approved on 12.12.2017 and as such, he submitted necessary fees in the said respect before the University, which was duly accepted by the concerned authorities (Annexure-10 of the writ petition).

11. That in the meantime, despite the above, petitioner was not granted permission by the concerned authorities under the University to submit his Ph.D. thesis pursuant to his Ph.D. registration and as such, the petitioner filed a representation dated 22.09.2018 before the Controller of Examinations of the University and while stating the relevant facts and circumstances pertaining to his case, the petitioner requested that necessary steps be taken towards allowing the petitioner to submit his Ph.D. thesis within the prescribed duration in terms of the provisions contained under the aforesaid Ordinance and



Regulations Governing Award of Ph.D. degree by the University (Annexure-11 of the writ petition).

12. That the petitioner was constrained to file a representation dated 15.03.2019 before the Chancellor of Universities, Raj Bhawan, Patna wherein while stating the facts and circumstances of the case, it was requested that necessary instructions be issued to the concerned authorities under the University to allow submission of Ph.D. thesis by the petitioner in accordance with the provisions contained under the Ordinance and Regulations Governing Award of Ph.D degree of the University (Annexure-12 of writ petition).

13. A counter affidavit is filed on behalf of the University and in the said affidavit it is stated that the petitioner appeared in Pre-Ph.D. test, 2008 conducted by the University and accordingly, he submitted his application for registration for Ph.D. degree in the year 2011. The University extended the duration for submission of thesis of the petitioner from time to time on his request and finally the time was extended up to 02.08.2017.

14. It is further stated that on 01.08.2017, petitioner submitted representation to the Controller of Examination of the University stating that the petitioner had completed thesis prior



to 02.08.2017 and accordingly, he may be permitted to submit his thesis in the University but the same was not accepted by the University because of the reason that the petitioner was not registered by the University for wants of submission of migration certificate by the petitioner.

15. A supplementary counter affidavit is also filed on behalf of the University and it is stated that the petitioner in his representation accepted that he was not registered as a student of the University, therefore his thesis was not accepted. For acceptance of the Ph.D. thesis, 8 years has been fixed as last date from the date of registration of a candidate. In petitioner's case, he failed to get himself registered in the University within 8 years, therefore his Ph.D. thesis was not accepted.

16. It is submitted by learned counsel for the University that vide letter contained in Memo No.BSU-05/2010-2648/GS(1) dated 21.09.2017 issued under the signature of the Law Officer, Governor's Secretariat, Bihar, Patna, has clearly mentioned vide point no.10.15 that "the Registration of a candidate who does not submit his/her thesis within eight years from the date of his/her student-ship shall be deemed to be cancelled automatically". The same was not done within the period of eight years in petitioner's case.



17. It is further submitted that to start and continue any program of study at the University, student needs to get himself/herself registered in the University first. As the student cannot continue two regular course of registered works during the same session or time period, he/she has to compulsorily submit the Migration Certificate from the Institution last attended to the University if he/she desires to get admitted at. As the student has not submitted the needful Migration Certificate to the answering University, he is not a registered student of the University even if he/she has got provisional permission for Ph.D registration at the University. The petitioner has lost the time period of eight years of permitted duration after his registration on 03.08.2011 in the University.

18. A third counter affidavit is also filed on behalf of the University and it has been stated that the time duration for submission of thesis was examined by the University and the University found that after extension of time was granted to the petitioner till 02.08.2017 to submit his thesis but the petitioner has submitted his thesis on 08.12.2017. Petitioner submitted his application along with migration certificate on 29.09.2017 for registration on 12.12.2017. Hence, the time duration for submitting the thesis was crossed by the petitioner and the claim



was denied by the University.

19. In para-8 of the supplementary counter affidavit it is stated that so far as the privilege as teacher of affiliated college (Dr. P.N. Singh Degree College, Chapra, Saran) for accepting the thesis of the petitioner is concerned, in this regard it is submitted that the petitioner is not a valid teacher of the college because his appointment was not duly approved by the University in accordance with law.

20. A reply to the counter-affidavit has also been filed on behalf of the petitioner in which it is stated that the respondent authorities under the University have deliberately and willfully stated incorrect facts with the intention to mislead this Court.

21. It is further submitted that pursuant to the instructions issued by the concerned authorities under the University, petitioner submitted his migration certificate dated 29.08.2017 issued from the Deen Dayal Upadhyay Gorakhpur University, Gorakhpur, in the department of Mathematics of the University and vide letter dated 08.09.2017 issued by the Head of the Department of Mathematics of the University, the registration form submitted by the petitioner for award of Ph.D. degree along with the migration certificate issued in his favour from Deen Dayal Upadhyay, Gorakhpur University, Gorakhpur was



duly forwarded to the Registrar of the University.

22. On the basis of submission of the registration form and migration certificate duly forwarded by the Head of the Department of Mathematics of the University, the Ph.D. registration of the petitioner was duly done as would be manifest from a perusal of certificate dated 12.12.2017 issued by the University in the said respect which is contained in Annexure-10 of the writ petition.

23. It is further submitted that beyond all reasonable doubts that without there being any valid reason and despite fulfillment of all the requirements and submission of all the requisite documents by the petitioner before the concerned authorities under the University, unfortunately, necessary permission for submission of Ph.D. thesis of the petitioner has not been allowed by the concerned authorities under the University, which is highly arbitrary, unreasonable and in blatant disregard and violation of Article 14 of the Constitution of India and also establishes the highhandedness, mala fide and illegal disposition on their part.

24. It is lastly submitted by the learned counsel for the petitioner that despite a categorical statement having been made in para-15 of the writ petition and also the registration certificate



in respect of Ph.D. registration certificate dated 12.12.2017 issued in favour of the petitioner having been brought on record by way of Annexure-10 to the writ petition, the concerned authorities under the University have chosen not to file a parawise reply solely with the motive to mislead this Court.

25. After hearing both the sides and in the interest of justice, I direct the respondent University to accept the thesis of the petitioner within a period of one month and take necessary steps for awarding the Ph.D. Degree to the petitioner in terms of the provisions contained under the Ordinance & Regulations governing the award of Ph.D. Degree by the University. The University shall conduct the interview of the petitioner after submission of his thesis within a period of two months.

26. With the aforesaid observation and direction, this writ application is allowed.

(Anjani Kumar Sharan, J)

shikha/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.08.2024
Transmission Date	NA

