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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 316/2023 & CM APPL. 1275/2023**

ANAND KUMAR RAI

..... Petitioner

Through: Mr. Arjun Garg, Adv.

versus

UNIVERSITY OF DELHI & ORS.

..... Respondents

Through: Mr. Santosh Kumar, Mr.
Kushagra Aman and Mr. Adithya, Advs.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

J U D G M E N T (O R A L)

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27.02.2024

1. The petitioner joined the Ph.D. programme offered by the Department of Statistics in the University of Delhi (DU) on 25 September 2017.

2. According to the averments in the petition, the petitioner completed his Ph.D. course work in 2018.

3. On 24 January 2021, the petitioner was issued a memorandum by the Department of Research Studies (Mathematical Science) (hereinafter referred to as "the DRS") informing him that his name had been removed from the rolls of Ph.D. students.

4. The petitioner made several representations thereagainst. Ultimately, *vide* memorandum dated 8 August 2022, the DU re-



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admitted the petitioner to the Ph.D. programme in the Department of Statistics subject, however, to the petitioner's finding himself a supervisor to supervise his Ph.D. work.

5. Aggrieved thereby, the petitioner has filed the present writ petition, seeking issuance of a writ of mandamus, directing the DU to find a supervisor to supervise the petitioner during the tenure of his Ph.D. programme. A prayer has also been included to quash the condition, in the order dated 8 August 2022, by which the reinstatement of the petitioner in the Ph.D. programme has been made subject to the petitioner finding a supervisor for himself.

6. I have heard Mr. Arjun Garg, learned Counsel for the petitioner and Mr. Santosh Kumar, learned Counsel for the DU at length.

7. Mr. Garg has drawn my attention to sub-clauses 1 and 4 of Clause H in Ordinance VI of the Ordinances governing the DU, notified vide Notification dated 9 August 2017, titled "Procedure for Award of Master of Philosophy (M.Phil) and Doctor of Philosophy (Ph.D.) Degree". Clause H deals with allocation of a supervisor. Sub-clauses 1 and 4 of Clause H read thus:

"1. *The allocation of Supervisor for a selected research scholar shall be decided by the M.Phil. Committee/DRC¹ depending on the number of research scholar per supervisor, the available specialization among the Supervisors and research interest of the research scholar, as indicated by them at the time of interview.*

4. *In a Department where teachers are retiring, leaving or are*

¹ Departmental Research Committee



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proceeding on long leave on deputation or where unforeseen circumstances have necessitated change of Supervisor, the DRC shall appoint Supervisor/Co-Supervisor(s) as supernumerary allotment. This may be approved by the respective BRS.”

(Emphasis supplied)

8. Though the petitioner had been allotted a supervisor in the initial stint of his Ph.D course before he was removed from the course on 24 January 2021, no supervisor has been allotted to the petitioner after he has been readmitted to the course on 8 August 2022.

9. Sub-clauses 1 and 4 of Clause H in the Ordinance VI of the Ordinances of the DU makes it clear, beyond manner of doubt, that the responsibility of finding a supervisor to supervise the Ph.D student is on the DU.

10. The condition, in the Memorandum dated 8 August 2022 whereby the reinstatement of the petitioner as a Ph D student was made subject to the petitioner finding his own supervisor is obviously unenforceable, as it is in the teeth of Clause H in Ordinance VI of the Ordinances of the DU, which requires a supervisor to be appointed by the DRC in the DU.

11. No student can, therefore, be granted admission or re-admission as a Ph.D scholar subject to a condition that the student would have to find his own supervisor. Such a condition is illegal and unenforceable at law.

12. There can be no dispute, therefore, that it was for the DRC/DU



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to find a supervisor for the petitioner.

13. Pursuant to earlier orders passed by this Court, the DU has filed a compliance affidavit dated 13 December 2023, along with which communications from various faculty members who were requested to supervise the Ph.D work of the petitioner have been annexed.

14. Mr. Garg has taken me through the said letters. Of the letters which are on record,

(i) Prof. Sanjoy Roy Chowdhary has expressed reluctance to supervise the petitioner on the ground that he is holding the post of Vice-Principal in the Lady Shri Ram College for Women, and was already supervising another research student,

(ii) Prof. Vandana Sarin Walia, Department of Statistics, Kirori Mal College has expressed reluctance on the ground that she had teaching responsibilities, was co-guiding another student for Ph.D and was also the Nodal Officer Cluster and Common Courses, Kirori Mal College, which was a time consuming assignment,

(iii) Prof. Anita Bansal, Department of Statistics, Ramjas College has expressed reluctance on the ground that she was already supervising a Ph.D. student and was a member of the University Admission Committee and some of the college administrative committees and had also to attend to her teaching duties,

(iv) Dr. Renu Kant, Associate Professor, Department of Statistics in the Lady Shri Ram College for Women, has



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expressed reluctance on the ground of indifferent health and current responsibilities and constraints, which included teaching responsibilities,

(v) Dr. Mithilesh Kumar Jha, Department of Statistics, PGDAV College has expressed reluctance on the ground that he has not been involved in any kind of research work in the area of design and experiments for the last 5-6 years,

(vi) Prof. Poonam Singh, Department of Statistics, University of Delhi has expressed reluctance on the ground that she was the earlier supervisor of the petitioner, before his admission was cancelled, and

(vii) Prof. Veena Budhraj and Prof. Seema Gupta have also expressed reluctance on the ground of being engaged in college work, apart from the fact that they were already supervising another Ph.D. student and, in the case of professor Seema Gupta, had health issues.

15. A Ph.D. student, who is on the rolls of a University, cannot be left high and dry just because the University is not able to find a supervisor to supervise him. So long as the Ordinances of the DU stands as they are, the responsibility of finding a supervisor is with the DU.

16. It is seen that, apart from one or two cases in which the faculty who were requested to supervise the petitioner claimed to be suffering from health issues or being in charge of other important unavoidable professional assignments, such as the charge of Vice-Principal of LSR



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College, which would not give them time to supervise the petitioner, in most cases, it may be arguable as to whether the grounds for refusing to supervise the petitioner were sufficient.

17. The court is not expressing a view in that regard, lest it reflect on the Professors who sought to be exempted from the duty of supervising the petitioner, as they must be academic faculty of eminence and learning. The fact, however, remains that the petitioner cannot be denied his right to pursue his Ph.D because all Professors who are asked to supervise his work are expressing reluctance to do so.

18. A Professor of the University is an employee of the University and cannot, without due justification, refuse to discharge a duty casted on the Professor by the University. I say no more.

19. In these circumstances, I deem it appropriate to dispose of this writ petition with a direction to the DU to take positive steps within four weeks to find a supervisor to supervise the petitioner's work.

20. Needless to say, if any of the faculty members who are requested to supervise the petitioner's work cites genuine reasons for being unable to do so, the DU would take them into account. However, at no cost should a Professor, who is asked to supervise the petitioner, refuse to do so, except on genuine grounds.

21. It is the solemn duty of a Ph.D scholar to groom others to rise in



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their academic career. Refusal to do so, except for valid reasons, is unjustifiable.

22. With these remarks, I deem it appropriate to dispose of this writ petition with a direction to the DU, as already noted, to find an appropriate supervisor to supervise the Ph.D. work of the petitioner within a period of four weeks from today.

23. Mr. Garg has assured the Court, after instructions from his client that his client would provide *no cause whatsoever* for any complaint from the supervisor assigned to him.

24. It is made clear that should any justifiable grounds for complaint arise, this order shall stand vacated *ipso facto* and the petition would also stand dismissed.

25. The writ petition is accordingly disposed of in the aforesaid terms, with no orders as to costs.

C. HARI SHANKAR, J.

FEBRUARY 27, 2024

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Click here to check corrigendum, if any