

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6490 of 2019

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Surendra Singh son of Late Kapildeo Singh, Resident of Village - Thakurai
Bairia, P.O. - Jagarnatha, District - Gopalganj.

... .. Petitioner/s

Versus

1. The Baba Sahab Bhim Rao Ambedkar Bihar University Muzaffarpur through its Registrar.
2. The Vice Chancellor, Baba Sahab Bhim Rao Ambedkar Bihar, University, Muzaffarpur.
3. The Registrar, Baba Sahab Bhim Rao Ambedkar Bihar University, Muzaffarpur
4. The Head of Department, University Department of Political Science, Baba Sahab Bhim Rao Ambedkar Bihar University, Muzaffarpur.
5. Dr. Nilam Kumari, Professor, Department of Political Science, Ram Dayalu Singh, College, Muzaffarpur.
6. The University Grants Commission X

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sumit Kumar, Adv.
	:	Mr. Satyendra Rai, Adv.
For the Respondent/s	:	Mr. Vikas Ratan Bharti, Adv.
For the UGC	:	Mr. Amrendra Nath Verma, Adv.
For the Respondent		
Nos. 1 to 4	:	Mr. Indrajesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

17 28-04-2025

1. Heard the parties.

2. The petitioner cleared the pre-Ph.D. exam in the year 2010 and submitted synopsis along with registration application form on 28.01.2011. After verification, the petitioner was directed to deposit the requisite fee for Ph.D. registration which was deposited by him on 03.07.2012. The synopsis submitted by the petitioner was approved and Guide Dr. Nilam



Kumari, Department of Political Science, RDS College, Muzaffarpur, was appointed.

3. The grievance of the petitioner is that he has suffered at the hands of the University by not providing him the course-work within time inasmuch as petitioner was registered under Ph.D. course in the year 2012 and he was given the topic of research having title as “The Role of Panchayati Raj Institutions In Political, Economic And Social Empowerment In Bihar With Special Reference To Gopalganj District”.

4. The controller of examination appointed Dr. Nilam Kumari, Department of Political Science, RDS College, Muzaffarpur, as Guide vide letter dated 08.11.2012. The petitioner submitted the requisite fee for submission of thesis on 01.07.2013. Since course-work was not provided to the petitioner, therefore petitioner without having course work submitted his thesis on 01.07.2013 itself.

5. As per Clause 13 of 2009 Regulation, the student was required to undertake course-work for a minimum period of one semester. The course work was to be treated as pre-M.phil/Ph.D. preparation and must include a course on research methodology which may include quantitative methods and computer applications. It may also involve reviewing the



published research in the relevant field.

6. Learned counsel for the petitioner submits that the Respondent/University failed to notify the course work immediately after registration of the petitioner, however, as per the advice and instruction of the Guide, the petitioner continued with his research work under the guidance of Dr. Nilam Kumari and submitted his thesis along with requisite fee of Rs. 4000/- through Bank Chalan, dated 01.07.2013. The petitioner has reliably learnt that after examining the thesis, the Guide made recommendation for appointment of external. Thereafter, the petitioner was kept on running before the University Authorities but no heed was paid to complete the process of award of Ph.D. Degree. However, after a lapse of about four years of the registration of the petitioner in the year 2016, the Ph.D. course-work was provided by the University and the petitioner attended and satisfactorily completed the Ph.D. course work of one semester from 9th September, 2016 to 8th March, 2017 as required for Ph.D. Degree as per the U.G.C. Regulation, 2009. The certificate of completion of course-work has been issued by the University Department for Political Science (Annexure 6).

7. Learned counsel for the petitioner further submits that after completion of coursework, the petitioner submitted a



representation on 27.03.2017 before the Head of the Department as well as on 05.04.2017 before the Vice-Chancellor of the B.R.A. Bihar University, stating therein that petitioner, as per Regulation, 2009, has completed the course-work and is ready to resubmit his thesis and dissertation afresh along with requisite fee but the same is kept pending for so many years compelling the petitioner to file the writ petition in 2019.

8. Learned counsel for the Respondent/University, on the other hand, submits that request of the petitioner to submit the thesis and dissertation after completion of the coursework has been rejected by the Examination Committee on the ground that the coursework was completed after submission of thesis.

9. Mr. Amrendra Nath Verma, learned counsel for the U.G.C., submits that the petitioner is entitled to have the Ph.D. degree only in accordance with law.

10. I have heard learned counsel for the parties and have gone through the materials available on record. It is not disputed that the petitioner was registered as Ph.D. candidate in the year 2012 and after submission of synopsis and completion of registration, Dr. Nilam Kumari was appointed as a Guide. It was responsibility of the University to provide the course-work to the petitioner which could be evident by the letter, dated



20.05.2013, issued by the Registrar to the Heads of all University Departments requiring them to nominate two senior teachers of the department to prepare draft course-work and submit the same to the University latest by 31st May, 2013, to enable the University to place the same before the Academic Council for approval. The letter further states that course-work will start from the 1st July 2013. Despite the aforesaid letter/circular issued by the University that course-work would start from 1st July, 2013, the coursework was not provided to the petitioner and for the first time in the year 2016 the petitioner was provided with the course-work which he successfully completed which would be evident from the certificate regarding completion of course-work by the petitioner for one semester between 9th September, 2016 to 8th March, 2017 at Annexure 6.

11. From perusal of the impugned order, it appears that request of the petitioner for resubmission of thesis/dissertation afresh after completion of coursework has been rejected on the ground that petitioner submitted the thesis prior to completion of course-work. The respondent/authorities lost sight of the fact that course-work was not provided to the petitioner and under the instruction of his Guide, the petitioner



submitted the thesis. Nonetheless, petitioner was ready and willing to submit thesis and dissertation afresh after completion of coursework by him. The delay was on part of the University in providing the petitioner the course-work. Immediately, after the receipt of the course-work in 2016, the petitioner completed the coursework within stipulated time. The ground on which the request of the petitioner for fresh submission of research, thesis/dissertation has been rejected is arbitrary and unreasonable inasmuch as the University cannot take advantage of its own lapses.

12. If the petitioner is ready to complete research and submit a fresh thesis and dissertation after completion of his course-work, in my opinion, allowing the petitioner to do so does not breach any provisions of 2009 Regulation. Admittedly, the petitioner was registered under 2009 Regulation and was pursuing his research as per the provisions prescribed in 2009 Regulation.

13. Considering the abovementioned discussion, the present writ application is allowed.

14. In the result, the impugned order dated 05.03.2019 is set aside. The University is directed to allow the petitioner to complete the research work afresh as per the course-work



already completed by the petitioner in accordance with 2009 Regulation.

15. It is made clear that after submission of fresh research work and dissertation, the University shall take a decision for award of Ph.D. degree in favour of the petitioner in accordance with provisions of 2009 Regulation.

16. Accordingly, the present writ application is allowed with the aforesaid direction and observation.

(Anil Kumar Sinha, J)

HarshPandey/-

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