



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.402/2018

Sunildatt Kondabji Talware Vs. Rashtrasant Tukdoji Maharaj Nagpur University,
Nagpur

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri B.G. Kulkarni, Advocate for petitioner
Shri N.S. Deshpande, Advocate for respondent

CORAM : N.W. SAMBRE AND
SACHIN.S. DESHMUKH, JJ..

DATE : 01.07.2025

The Research and Recognition Committee, in the meeting held on 14.11.2011, has accepted the application of the petitioner for registration for Ph.D. in the Faculty of Commerce (Management) and accordingly granted date of registration as 15.07.2011 as was communicated vide letter dated 27.04.2012.

2. The petitioner thereafter was unable to submit the complete list for Ph.D. within the prescribed period of five years and as such applied for grant of extension of one year as contemplated under proviso to Clause-13 of Direction No.10 of 2011. The said request of the petitioner is rejected. As such, this petition.

3. The fact remains that the petitioner's five years' tenure, even if, the date of registration is considered as 15.07.2011 as per Direction No.10 of 2011, shall come to an end on 14.07.2016. The proviso contemplates that application

should have been moved within three months prior to the date of expiry of five years period i.e. 14.07.2016. It is to be noted that the petitioner has not applied for extension but his request for extension claimed to be delayed by five days, which has prompted the respondent to reject the prayer for extension.

4. Shri B.G. Kulkarni, learned Counsel for petitioner has submitted that there is a delay in communication of the date of registration by almost nine months. Apart from above, according to him, the period as provided in Clause-14 of Direction No.10 of 2011, is directory and not mandatory. He would draw support from the Division Bench judgment delivered in Writ Petition No.4012/2016 in ***Smt. Sudha Ganeshdatta Tiwari Vs. Rashtrasant Tukdoji Maharaj Nagpur University***, decided on 14.11.2017. As such, he would urge that the University has in fact granted extension to such candidates who have failed to apply for extension within the time stipulated as mentioned in Direction No.10 of 2011.

5. As against above, Shri N.S. Deshpande, learned Counsel for the respondent- University would urge that the academic discipline warrants adherence to the Calendar as prescribed under Direction No.10 of 2011. According to him, there is no discretion prescribed to condone the delay, may be of five days. That being so, he has sought rejection of the petition.

6. We have considered the submissions.

7. It is not in dispute that the petitioner was duty-bound

to submit his papers of his Ph.D. by 14.07.2016. Having anticipated that he is not in a position to complete the requisite requirements, he applied for extension of one year on 19.04.2016, which was delayed by five days. The fact remains that this Court had an occasion to consider the said provision of grant of extension in Clause-14 of Direction No.10 of 2011 of the respondent in the Division Bench judgment in Writ Petition No.4012/2016 referred supra.

8. This Court has taken a view that the proviso therein referred to is not mandatory but directory in nature. Apart from above, the University, in its discretion, has already granted extension to other similarly placed candidates.

9. That being so, we accept the contentions raised by the Counsel for the petitioner.

10. In view of above, we deem it appropriate to quash and set aside letter dated 18.05.2016 and direct the respondent to grant extension of 12 months pursuant to the Direction No.10 of 2011, which is to be reckoned from today.

11. The Writ Petition is allowed in above terms. No costs.

(SACHIN S. DESHMUKH, J.)

(N.W. SAMBRE, J.)