SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			SPA/110/2022 Sanjeev Kumar Sharma --Appellant **Versus** Hemwati Nandan Bahuguna Garhwal University & Ors. –Respondents **Hon'ble Manoj Kumar Tiwari, A.C.J.** **Hon'ble Subhash Upadhyay, J.** 1. Mr. Jitendra Chaudhary, learned Senior Counsel, assisted by Mr. Navneet Singh, learned counsel for the appellant. 2. Dr. Kartikey Hari Gupta and Mr. Rafat Munir, learned counsel for respondent no. 1 & 2. 3. This intra-court appeal is directed against the judgment dated 27.04.2022 rendered by learned Single Judge in Writ Petition (M/S) No.843 of 2022. By the said judgment, writ petition filed by the appellant was dismissed. Operative portion of the impugned judgment is reproduced below:- *"11. In that eventuality, once the representation itself, is a non statutory representation, the argument of the learned counsel for the petitioner, is that it was rejected without assigning any reasons is not tenable, because assigning of the reasons are only to be assigned by the authority when the recourse adopted for the redressal of the grievances by filing a representation is a recourse, which is otherwise legally permissible under law. The stray non statutory representation does not mean a judicial scrutiny of an exercise de novo to make it effective with effect from 2008.* *12. For the reasons above, the writ petition lacks merit and the same is accordingly dismissed."* 4. Appellant had contended before the learned Single Judge that since his viva-voce before award of Ph.D. degree was held on 12.04.2008 and there was considerable delay in award of degree by the University, the date of award of Ph.D. degree should be treated as the date when the viva-voce was held i.e. 12.04.2008.

5. Appellant earlier had filed writ petition, seeking writ of mandamus, which was disposed of by learned Single Judge with liberty to the appellant to make representation to the Competent Authority. The Competent Authority rejected the representation made by the appellant, vide order dated 23.03.2022. Appellant challenged the rejection order passed by Competent Authority by contending that it is a non-speaking order. Learned Single Judge, however, dismissed the writ petition by holding that the Authority taking decision on a non-statutory representation is not bound to give reasons. The view taken by learned Single Judge is interferable. Since learned Single Judge had directed the Competent Authority to examine appellant's case for award of Ph.D. degree from the date of viva-voce, therefore, it was incumbent upon the Competent Authority to assign reason why appellant's request cannot be acceded. Since that was not done by the Competent Authority and his representation was cursorily rejected without indicating any reason whatsoever, therefore, the order passed by the Competent Authority, challenged in the writ petition, was interferable. Learned Single Judge, therefore, was not justified in dismissing the writ petition filed by the appellant.

6. We, accordingly, allow the appeal, set aside the impugned judgment as well as the order dated 23.03.2022 passed by Registrar, HNB Garhwal University and relegate the matter to the Registrar to take decision on appellant's representation, as per law, by passing a reasoned order within two months from the date of presentation of certified copy of this order.

(Subhash Upadhyay, J.)
03.11.2026

(Manoj Kumar Tiwari, A.C.J.)
03.11.2026

Rajni/KK