

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No. 24410/2021

(Arising out of impugned final judgment and order dated 01-10-2018 in WPC No. 3032/2017 passed by the High Court of Delhi at New Delhi)

JAWAHARLAL NEHRU UNIVERSITY

Petitioner(s)

VERSUS

STUDENTS FEDERATION OF INDIA (SFI) & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.161472/2021-CONDONATION OF DELAY IN FILING and IA No.161474/2021-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 29-07-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.R. SHAH

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Ms. Ginny J. Rautray, Adv.
Mrs. Kanchan Kaur Dhodi, AOR
Mr. Navdeep Singh, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

By the impugned judgment and order, the High Court has ordered and directed as under-

"22. (1) That Regulation 5.4 of the UGC Regulations in so far as it permits filling of M.Phil./Ph.D. entirely on the basis of cent percent evaluation of performance in the viva voce process is arbitrary. The said regulation is, therefore, declared void and contrary to Article 14;

(2) The absence of any concession with respect to the minimum qualifying marks in the written test, in the UGC Regulations of 2016 to reserved category candidates (SC/ST/OBC) and physically disabled candidates is also without proper application of mind. Appropriate concession is to be given by the UGC and contd..

the JNU, taking into account the seats filled, having regard to the implementation of the regulations in the last two academic years;

(3) The JNU is directed to take suitable review action to ensure that in any given academic year, no M.Phil/Ph.d. seat is left unfilled. It is also held that the UGC guidelines of 2016 in so far as they prescribe the supervisor-researcher/student ratio is valid."

Having heard learned counsel appearing on behalf of the petitioner, no fault can be found with the directions issued in terms of para 22 (1) and (2) and second part of para 22 (3), reproduced hereinabove.

Learned counsel appearing on behalf of the petitioner has submitted that in view of first part of para 22(3), namely, the JNU is directed to take suitable review action to ensure that in any given academic year, no M.Phil/Ph.d. seat is left unfilled, is creating the problem and in every academic year, the Courts are directing to give admission even in the month of January, that is much after the academic year starts. It is true that the aforesaid direction, namely, to ensure that in any given academic year, no M.Phil/Ph.d. seat is left unfilled can never be construed that the admission in the unfilled seat is to be given even at the fag end of the academic year. The same may be construed to mean that the University to ensure that in any given academic year, no M.Phil/Ph.d. seat is left unfilled as far as possible. In future, if any order is passed by the High Court and/or any

contd..

other Court to grant admission after unreasonable period and much after the academic terms has begun, it will always be open for the University to challenge the same which be considered in accordance with law and on its own merits and in the light of the observations made hereinabove.

With the above observations, the Special Leave Petition stands disposed of.

Pending application(s), if any, shall stand disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(NISHA TRIPATHI)
ASSISTANT REGISTRAR