

GAHC010042952022



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

Case No. : WP(C)/1616/2022

RUNMI ATHPARIA
W/O UDAY SANKAR SENAPATI, R/O HOUSE NO. 28, SREJONEE ENCLAVE,
K.K. BHATTA ROAD, CHENIKUTHI, GUWAHATI-781003, DIST-KAMRUP(M),
ASSAM

VERSUS

THE GAUHATI UNIVERSITY AND 5 ORS.
REPRESENTED BY ITS REGISTRAR, GOPINATH BORDOLOI NAGAR,
GUWAHATI, PIN-781014, P.O.-GAUHATI UNIVERSITY, KAMRUP(M), ASSAM

2:THE VICE-CHANCELLOR
GAUHATI UNIVERSITY
GOPINATH BORDOLOI NAGAR
GUWAHATI
PIN-781014
P.O.-GAUHATI UNIVERSITY
KAMRUP(M)
ASSAM

3:THE REGISTRAR
GAUHATI UNIVERSITY
GOPINATH BORDOLOI NAGAR
GUWAHATI
PIN-781014
P.O.-GAUHATI UNIVERSITY
KAMRUP(M)
ASSAM

4:THE ACADEMIC-REGISTRAR
GAUHATI UNIVERSITY
GOPINATH BORDOLOI NAGAR

GUWAHATI
PIN-781014
P.O.-GAUHATI UNIVERSITY
KAMRUP(M)
ASSAM

5:THE DEPARTMENTAL RESEARCH COMMITTEE (DRC)
REPRESENTED BY ITS CHAIRMAN AND CONVENOR
DEPARTMENT OF PHYSICS
GAUHATI UNIVERSITY
GOPINATH BORDOLOI NAGAR
GUWAHATI
PIN-781014
P.O.-GAUHATI UNIVERSITY
KAMRUP(M)
ASSAM

6:PROF. (DR.) MEENAKSHI DEVI
DEPARTMENT OF PHYSICS
GAUHATI UNIVERSITY
C/O THE ACADEMIC REGISTRAR
GAUHATI UNIVERSITY
GOPINATH BORDOLOI NAGAR
PIN-781014
P.O.-GAUHATI UNIVERSITY
KAMRUP(M)
ASSAM (GUIDE OF THE PETITIONER)

Advocate for the Petitioner : MR. P MAHANTA

Advocate for the Respondent : SC, G U

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR
Judgment & Order(Oral)

Date : 16.05.2024

Heard Mr. P. Mahanta, learned counsel for the petitioner. Also heard Mr. P. J. Phukan, learned Standing Counsel for the Gauhati University appearing for the respondents no. 1, 2, 3, 4 & 5 and Mr. H. Rahman, learned Senior Counsel assisted by Ms. P. Agarwal, learned counsel for the respondent no. 6.

2. The grievance as raised by the petitioner in the present proceedings pertains to the non-holding of the required viva-voce examination in connection with the thesis as submitted by the petitioner for her Ph.D degree. The petitioner has also assailed in this connection, an assessment report of her thesis dated 22.02.2019, furnished by the respondent no. 6 and also the decision as arrived at by the constituted committee, requiring the petitioner to revised her thesis. The petitioner has also presented a challenge to a communication dated 15.02.2022, issued by the Academic Registrar, Gauhati University asking her to submit her replies on or, before 28.02.2022, citing the reason of her failure to carry out the revision work as sought by the committee constituted in the matter by the Vice Chancellor, Gauhati University.

3. As projected in the writ petition, the petitioner, who is a Master Degree holder in Physics, had enrolled herself for a Ph.D course at Gauhati University. The petitioner was assigned a research topic viz. “Lithospheric-Tropospheric-Ionospheric Interactive Processes: A study with special reference to major earthquakes of West Pacific Region.” Pursuant to the recommendation dated 10.09.2015 of the Ph.D committee, the Gauhati University authorities vide a communication dated 07.10.2015, allotted to the petitioner her final registration for the Ph.D degree. It has been contended in the writ petition that the petitioner was granted extensions for submission of her thesis till 17.07.2018 and on 17.07.2018, the petitioner had submitted 3(three) copies of her thesis which was duly acknowledged by the Academic Registrar, Gauhati University i.e. the respondent no. 4 herein.

4. It is the categorical contention of the petitioner that the respondent no. 6 vide a certificate dated 16.07.2018, had certified that the thesis of the petitioner was fit for award of Ph.D degree. The said thesis of the petitioner was thereafter, forwarded to two external examiners for evaluation and out of the two external examiners one had recommended the

thesis whereas, the other had rejected the thesis. Since the thesis was rejected by one of the three examiners, the same was referred to a fourth examiner in terms of the Regulations holding the field, who on perusal of the thesis had recommended the same. As two external examiners had recommended the thesis of the petitioner and the same having already been recommended by the respondent no. 6, her guide, the petitioner contends that she was entitled to appear in the viva-voce examination in terms of the Regulations holding the field at that relevant point of time.

5. The petitioner contends that although the respondent no. 6 had certified vide a certificate dated 16.07.2018 that the thesis of the petitioner was fit for award of Ph.D degree, the respondent no. 6 on 22.02.2019, proceeded to submit an assessment report, wherein, it was held that the thesis of the petitioner was poor in most of the facets and accordingly, had recommended revision of all the chapters of her thesis. The said assessment report as submitted by the petitioner naturally lead to a delay in holding of the viva-voce examination in respect of the said thesis of the petitioner. The contentions as made by the petitioner in the writ petition, reveals that certain misunderstanding had developed between the petitioner and the respondent no. 6. Thereafter, the petitioner preferred a complaint and the same was forwarded to the Departmental Research Committee of the Department of Physics and thereafter, to the Research Council and ultimately, the same to be placed before the Executive Council, Gauhati University. The matter was placed before the Executive Council, Guahati University in its meeting held on 20.09.2021 and therein, the Executive Council resolved to entrust the Head of the Department of Physics, Gauhati University to hold the viva-voce examination of the petitioner in respect of the thesis as submitted by her. Further, in terms of the said decision of the Executive Council, the respondent no. 4 vide communication dated 29.10.2021 requested one Prof. Ashik Paul, Institute of Radio Physics and Electronics, University of Calcutta to act as the examiner of the viva-voce examination for grant of Ph.D thesis to the petitioner.

6. As the petitioner was expecting a call for appearing in the viva-voce examination, she received a communication along with a minutes of a meeting of a committee, constituted by the Vice Chancellor of the University in the matter, dated 31.12.2021, wherein, it was revealed that the said committee had required the petitioner to carry out the revision of her thesis as required by the respondent no. 6, and submit the same before 30.01.2022. The matter having already been settled by the Executive Council in its meeting held on 20.09.2021, the petitioner contends that the respondent no. 6 had got the committee to arrive at the decision for revision of the thesis of the petitioner by bypassing the decision of the Executive Council in the matter. Thereafter, the respondent no. 4 vide a communication dated 15.02.2022, required the petitioner to state in writing the reasons for failure to carry out the revision of the thesis as assigned by the respondent no. 6. Poised thus, it is contended that the petitioner having no other alternative had proceeded to institute the present proceedings before this Court.

7. As noticed herein above, the petitioner, on completion of the assigned research work had submitted her thesis on the said subject on 17.07.2018. The said thesis was so submitted by the petitioner along with a certificate from the respondent no. 6, wherein, she had certified that she had the pleasure of recommending the work of the petitioner for award of Ph.D degree. Thereafter, after around seven months from issuance of the said certificate dated 16.07.2018, it is seen that the respondent no. 6 had submitted a Proforma for Ph.D thesis examiners' report and therein, had recommended that the thesis as submitted by the petitioner needs revision and re-submission. The said issue thereafter precipitated and the petitioner having been placed in such a situation, proceeded to submit a complaint in the matter before the Hon'ble Vice Chairman, Gauhati University.

8. At this stage, it is to be noted that amongst the external examiners, to whom said thesis was send for recommendation, two had recommended the thesis of the petitioner for award of Ph.D degree. As noticed hereinabove, the complaint as submitted by the petitioner came to be placed before the Research Council of the Gauhati University on

03.02.2021 and the said Research Council resolved to entrust the Head of Department of Physics, Gauhati University to hold viva-voce examination of the petitioner. The recommendation as made by the Research Council in the matter was thereafter placed in the meeting of the Executive Council, Gauhati University held on 20.09.2021 and the Executive Council resolved to consider the case of the petitioner as special case and allowed holding of the viva-voce in her case in terms of the decision of the Research Council. The said aspect of the matter was communicated by the respondent no. 4 to all concerned vide a communication dated 13.12.2021. It is to be noted that the said communication dated 13.12.2021 was addressed to the respondent no. 6 herein. The contents of the said communication dated 13.12.2021, being relevant is quoted herein below:-

“From

The Academic Registrar
Gauhati University

To

Prof. Minakshi Devi (Retd)
Department of Physics
Gauhati University

Sub: Regarding viva voce examination of Mrs. Runmi Athparia

Ref: Your letter dated 01/11/2021 regarding the viva voce examination.

Madam,

With reference to the subject and your letter as cited above this is to state that the matter of Mrs. Runmi Athparia, Research Scholar of the Department of Physics under your guidance was placed in the meeting of the Research Council held on 03/02/2021. The meeting resolved to entrust the Head of the Department of Physics, GU to hold the viva voce examination of the scholar. Also, this was placed in the meeting of the Executive Council, GU held on 20/09/2021 and the EC resolved to consider it as special case vide Resolution No. R/EC-05/2021/30 and allowed to hold the Viva Voce. This procedure was done after receiving a complain letter from the Research Scholar Mrs. Runmi Athparia on 26/12/2020 and

subsequent decision of the DRC of the Department of Physics held on 07/01/2021.

This is issued with the approval of the Hon'ble Vice Chancellor, GU dated 26/11/2021.

This is for your kind information.

Academic Registrar
Gauhati University.”

9. It is seen that thereafter, a committee came to be constituted in the matter by the Hon'ble Vice Chancellor, Gauhati University for settlement of the dispute between the petitioner and respondent no. 6 in the matter and the said committee in its meeting held on 31.12.2021, required the petitioner to carry out the revision as required by the respondent no. 6 in her thesis. The petitioner not having carried out the said revision, the respondent no. 4 vide his communication dated 15.02.2022, required the petitioner to submit her reply in the matter in writing, explaining the reason of her failure to carry out the revision as sought by the said committee.

10. It is an admitted position that two external examiners had already approved the thesis of the petitioner. However, it is seen that even after the decision of the Research Council followed by the decision of the Executive Council of the University to hold a viva-voce examination for the petitioner in respect of her thesis, a parallel action seem to have been initiated, wherein, a committee came to be constituted, which committee recommended the revision of the thesis of the petitioner as desired by the respondent no. 6. However, the said issue as arising in the matter need not detain this court inasmuch as the Gauhati University authorities have by way of filing affidavit in the matter, reiterated the decision as arrived by the Executive Council of the University to hold the viva-voce examination in respect of the petitioner in connection with the thesis as submitted by her. It is

contended in the said affidavit as filed by the Gauhati University authorities that the said decision of the Executive Council was so taken in respect of the petitioner, treating the same as a special case.

11. Mr. P. J. Phukan, learned Standing Counsel for the Gauhati University authorities has fairly submitted before this Court that the decision as arrived in the matter by the Research Council and the Executive Council of the Gauhati University still holds the field and the Gauhati University authorities would comply with the said decisions and hold an viva-voce examination for the petitioner in the matter.

12. In view of the said position and also the submissions made in the matter by Mr. P. J. Phukan, learned Standing Counsel for the Gauhati University, this Court refrains from proceeding to consider the contentions as raised by the respondent no. 6 in the matter and or, the contentions as raised by the petitioner about the actions taken against her by the respondent no. 6.

13. Accordingly, in view of the decision as arrived at in the matter by the Research Council on 03.02.2021 and also the approval thereto, given by the Executive Council in its meeting held on 20.09.2021; and reiterated in the affidavit as filed by the Gauhati University authorities and highlighted by Mr. P. J. Phukan, learned counsel during the hearing of the present proceedings, this Court hereby directs the Academic Registrar, Gauhati University i.e. the respondent no. 4 to immediately take all requisite steps for implementing the decision of the Executive Council as arrived at in its meeting held on 20.09.2021 in respect of the petitioner herein and to fix a date for holding the viva-voce examination of the petitioner by the Head of the Department of Physics, Gauhati University. The date of the said viva-voce examination on being so fixed and the members as may be required to participate in the said viva-voce examination finalised, the petitioner be intimated about the same and thereby the petitioner be facilitated to defend

her thesis in such viva-voce examination.

14. In pursuance to the holding of the said viva-voce examination and the outcome thereof, further course of action as is mandated under the procedure in place for award of Ph.D degree to the petitioner be followed and the Ph.D degree be awarded to the petitioner. The above exercise shall be so initiated and completed by the University authorities including the respondent no. 4 within a period of 3(three) months from the date of receipt of a certified copy of this order.

15. The petitioner is directed to submit a certified copy of this order along with a forwarding to the respondent no. 4 for taking the matter forward.

16. With the above observations and directions, the writ petitioner stands disposed of.

JUDGE

Comparing Assistant