

**IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)**

**THURSDAY, THE TWENTY NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 34197 OF 2014



Between:

1. Rajesh Ananda Kamble, S/o Ananda Ganpati Kamble Aged about 44 years, the Pallavi Shantinagar CHS Ltd. D.No.2/003, Shantinagar Sector-2, Mira Road-East, Pin Code : 401107, District Thane, Maharashtra State.
2. Prashant Uttamrao Janollikar, S/o Shri Utamrao Baliramji Janolkar, 42 years, R/o 81, Jyothi Niwas, Vijay Housing Society, InFront of Sahakar Nagar, Gorkshan Road, Akola, A13T-Akola Pin Cod 444004. Maharastra State.
3. Dilip Janaji Jadhav, S/o Janaji, aged 47 years, Pradeep Shantinagar CHS Ltd. C-16, Flat No. 401, 4th Floor, Sector -2, Mira Road, Thane-401107.Maharastra State.
4. B.P.Sahni, S/o. Purshotham Sahni, aged 55 years, Building No. 10, Flat No. 1101 Orchid Residency, Next to R.City Mall, LBS Road, Ghatkopu West Mumbai -400086. Maharastra State.
5. Mahendra Kumar S.Yadav, S/o. S.B.Yadav, Aged 41 years, A/503, Gayatri SRA CHS, Opp. Rajada Muncipal School Shimpole Cross Road No.1, Burevali West Mumbai. 400092, Maharastra State.
6. Meenakshi Tyagi, D/o Chamdrabhan Beewanchand Tyagi, Aged 40 years, R/o HUM LOG CHS Sector.14, Plot NO. 2-7, Flat NO. 17, VASHI, New Mumbai-400703.

(W.P.is dismissed as withdrawn against petitioners 1 and 3 as per C.O dt 23.08.2016 in WPMP.No.33377/16)

...PETITIONERS

AND

1. The State of Andhra Pradesh, Rep.by its Principal, Secretary, Higher Education Department, Secretariat, Hyderabad.
2. The Dravidin university, Rep.by its Registrar, Situated at Kuppam, Chittoor District -517 425

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to Issue a Writ order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in not confirming the Ph.D. to the petitioners as illegal, arbitrary and violation of the Article 14, 21 of the Constitution of India and consequently, direct the 2nd respondent to award the Ph.D. to the petitioners.

I.A. NO: 1 OF 2014(WPMP. NO: 42767 OF 2014)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased direct the respondent No.2 to conduct the evaluation and Viva-Voce as per the rules, the thesis submitted by the petitioners pending disposal of the main Writ petition.

I.A. NO: 1 OF 2016(WPMP. NO: 33377 OF 2016)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be

pleased to permit the petitioners 1 and 3 to withdraw the WP.No. 34197 of 2014 on their part only.

Counsel for the Petitioner(s): SRI. A JAGAN

Counsel for the Respondent No.1: GP FOR HIGHER EDUCATION (AP)

Counsel for the Respondent No.2: SRI M KOTESWARA RAO

The Court made the following: ORDER

IN THE HIGH COURT OF ANDHRA PRADESH

APHC010650302014

:: AMARAVATI

(Special Original Jurisdiction)

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PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 34197 OF 2014

Between:

RAJESH ANANDA KAMBLE AND OTHERS

...PETITIONER(S)

AND

THE STATE OR ANDHRA PRADESH REP BY ITS
PRINCIPAL AND OTHERS

...RESPONDENT(S)

The Court made the following:

ORDER

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

"...to issue a Writ order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in not confirming the Ph.D. to the petitioners as illegal, arbitrary and violation of the Article 14, 21 of the Constitution of India and consequently direct the 2nd respondent to award the Ph.D. to the petitioners....."

2. When the matter is taken up for hearing, there is no representation on behalf of the 1st petitioners No.2, 4 to 6.

3. On the other hand, during the course of hearing, learned Standing Counsel appearing for the 2nd respondent-Dravidin University would submit that the issue involved in this Writ Petition is squarely covered by earlier orders of this Court in W.P.No.23372 of 2021, dated 15.11.2023.

Operative portion of the said order, read as under:

"In view of the above facts and circumstances of the case, the Writ Petition is disposed of directing the respondent No.2/University to complete the process as resolved by the Executive Council of the respondent No.2/University in respect of scholars admitted prior to 11.07.2009, also, within a period of three (03) months from the date of receipt of a copy of this order."

4. In view of the same, for the reasons alike in the aforesaid order, this Writ Petition is also disposed of in terms of the order dated 15.11.2023 passed by this Court in W.P.No.23372 of 2021. There shall be no order as to costs.

5. Registry is directed to attach the copy of the order dated 15.11.2023 passed by this Court in W.P.No.23372 of 2021 to this order.

As a sequel, miscellaneous applications pending, if any, shall also stand closed.

Sd/- M. PRABHAKAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Higher Education Department, Secretariat, Hyderabad.
2. The Registrar, Dravidin university, Situated at Kuppam, Chittoor District - 517 425
3. One CC to Sri. A Jagan Advocate [OPUC]
4. Two CCs to GP For Higher Education (AP) ,High Court Of Andhra Pradesh. [OUT]
5. One CC to Sri. M Koteswara Rao, Advocate [OPUC]
6. **THREE CD Copies**

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[Along with copy of order dt.15-11-2023 in WP No.23372/2021)

HONOURABLE SMT. JUSTICE V.SUJATHA

WRIT PETITION No.23372 of 2021

ORDER:

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

“...to issue an appropriate writ, order or direction more particularly a Writ in the nature of Writ of Mandamus declaring the impugned action of the 2nd respondent herein in not awarding the Ph.D., Degrees to the petitioners by conducting Viva Voce and other procedures of evaluation in spite of completion of the research and study under the guide and submission of thesis long back without any justifiable reasons as illegal, arbitrary, void abinitio and violative of article 14, 16 and 21 of The Constitution of India besides violation of University Grants Commission Regulations 2009, procedure of law and violative of principles of natural justice and consequently direct the 2nd respondent to award Ph.D., Degrees to the petitioners forthwith within a reasonable time as may be specified by this Hon’ble Court by conducting Viva Voce and following the due procedures contemplated under the University Grants Commission Regulations 2009, rules and regulations....”

2. Brief facts of the case are that the petitioners are residents of different parts of the States in India and among them, some are working in Government Colleges and some are in Private Colleges. The case of the petitioners is that with an intent to get salary hike and for future promotion, they got admission in the respondent No.2 University as Research Scholars to do Research Programmes (Ph.D) in the respective branches i.e. English, Library Science, Mathematics, Physical Education, Physics, Bio-

Technology and Zoology, as per the Notification issued in the year 2008, for pursuing their studies and to submit their respective thesis. The time fixed for submission of thesis was between 31st May, 2011 and 31st May, 2014 and the same is extended till 31.05.2019 on payment of late fee for a sum of Rs.30,000/- *vide* Circular, dated 13.06.2018.

3. All the petitioners have submitted their respective thesis to the respondent No.2/University and some of the petitioners have resubmitted the thesis as soon as they were informed for compliance with resubmission fee. However, all the petitioners submitted their respective thesis between the years 2011 and 2019, but the respondent No.2/University thereafter failed to inform the petitioners regarding consideration of their thesis and as such there is inordinate delay on the part of the respondent No.2/University in rolling out the process of adjudication of the thesis submitted by the petitioners, due to which they have lost promotions, salary hikes etc., in their respective jobs. The respondent No.2/University having collected lakhs of rupees from the petitioners, have failed to take any steps to adjudicate their respective thesis by way of evaluation, conducting viva-voce even after lapse of so many years. Hence, the present writ petition.

4. The respondent No.2/University filed counter denying the contents of the petition *inter alia* contended that the respondent University processed the thesis of all the petitioners; but

however, the State Level Committee constituted by the Government of Andhra Pradesh to review the Court cases in University, has reviewed the Court cases of the respondent No.2/University during July, 2021 and as per the recommendations made by the said Committee, the respondent No.2/University temporarily kept in abeyance the process of awarding Ph.Ds through Off-campus mode w.e.f. 04.08.2021.

5. While the matter is taken up for hearing, learned Standing Counsel representing for respondent No.2/University submitted the instructions *vide* No.DU/LC/2023, dated 07.11.2023, wherein the Inquiry Officer submitted the Report to the Government on 13.06.2023 and as per the directions of the Government, pending examination and placing of the entire Report of the Inquiry Authority, the matter related to Off-campus M.Phil/Ph.Ds was placed before the Executive Council of the University in the meeting held on 27.06.2023 and it was resolved as under:

“Resolved to process all the dissertations/these of Off-campus M.Phil/Ph.D scholars, who were admitted during the academic years 2007-08 and 2008-09 before the UGC cut off date of 11.07.2009 and award Degrees to the eligible candidates, provided there are no court cases restraining the University to award Degrees to them. In respect of the scholars admitted prior to 11.07.2009 and court cases are pending, it is resolved to wait for the final orders of the Hon’ble High Court in the matter

Resolved to write to UGC seeking permission to process the dissertations/theses of M.Phil/Ph.Ds submitted by the candidates, whose admissions are after 11.07.2009, giving all details and justification...”

6. On perusal of the instructions filed by the learned Government Pleader for the respondent No.2/University, it is evident that as per the instructions filed by the learned Standing Counsel that it was resolved to process all the dissertations/thesis of Off-campus M.Phil/Ph.D scholars, who were admitted during the academic years 2007-08 and 2008-09 before the UGC cut-off date of 11.07.2009. Indisputably, all the petitioners got admitted in the respondent No.2/University on 31.05.2009 and they were directed to submit their respective thesis on or before 31.05.2012 and not later than 31.05.2014 and apparently, no cut-off date was fixed to the scholars who got admitted prior to 11.07.2009 and the instructions filed by the learned Standing Counsel further discloses that it was resolved by the Executive Council of the respondent No.2/University that 'in respect of the scholars admitted prior to 11.07.2019 and court cases are pending, it is resolved to wait for the final orders of the Hon'ble High Court in the matter'.

7. In view of the above facts and circumstances of the case, the Writ Petition is disposed of directing the respondent No.2/University to complete the process as resolved by the Executive Council of the respondent No.2/University in respect of scholars admitted prior to 11.07.2009, also, within a period of Three (03) months from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petition is disposed of.
There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed in consequence.

JUSTICE V.SUJATHA

Date : 15.11.2023

KGR

HIGH COURT

DATED:29/02/2024

ORDER

WP.No.34197 of 2014



DISPOSING OF THE WP WITHOUT COSTS