

IN THE HIGH COURT OF DELHI AT NEW DELHI
(CIVIL ORIGINAL JURISDICTION)

Writ Petition (Civil) No. _____ Of 2014

In The Matter of:

JAMSHED ANSARI

...PETITIONER

VERSUS

UNIVERSITY OF DELHI & ANR.

...RESPONDENTS

MEMO OF PARTIES

JAMSHED ANSARI, Advocate

S/O- Late Sh. Habeeb Ansari

R/O- WZ 164 B, Lajwanti Garden,

New Delhi- 110046

...PETITIONER

VERSUS

1. UNIVERSITY OF DELHI

Through Registrar,

University of Delhi,

University Road, Delhi- 110007 ...RESPONDENT NO. 1

2. UNIVERSITY GRANT COMMISSION

Through Secretary,

Bahadur Shah Zafar Marg,

New Delhi- 110002

...RESPONDENT NO. 2

NEW DELHI

DATE: __/10/2014

JAMSHED ANSARI

(PETITIONER-IN-PERSON)
CHAMBER NO. 670, PATIALA
COURT HOUSE, NEW DELHI

SYNOPSIS

The Petitioner is filing the instant writ petition highlighting the admission procedure of the Respondent No. 1 in violation of University Grants Commission (Minimum Standards and Procedure for Awards of M. Phil/Ph.D. Degrees), Regulation, 2009 (hereinafter "the UGC Regulation, 2009"). As per combined reading of Regulations 9 and 13 of the UGC Regulation, 2009, the Respondent No. 1 is bound to admit M. Phil/Ph.D. students through Entrance Test followed by Interview and after having been admitted, the M. Phil/Ph.D. students are required by the University to undertake course work for a minimum period of one semester. But the Respondent No. 1, disobeying the abovementioned Regulations, admits M. Phil/Ph.D. students only on the basis of Interview and also the Respondent No. 1 does not require the M. Phil/Ph.D. students to undertake course work for a minimum period of one semester. The above disobedience of the said Regulations is arbitrary in nature resulting in benefits to candidates known to the Respondent No.1. Respondent No.1 also insists on preparation of synopsis with the pre-consultation of any faculty member before appearing

the Interview Board. This arbitrary action of the Respondent No.1 has excluded those candidates who are out of State and not possible for them to fulfill the requirement of pre-consultation as above. Nowhere in the aforesaid Regulation the requirement of such pre-consultation is mentioned but Respondent No.1, prima facie, excludes candidates from interview due to the non-fulfillment of the requirement of such pre-consultation.

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Writ Petition (Civil) No. _____ Of 2014

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...PETITIONER

VERSUS

UNIVERSITY OF DELHI & ANR.

...RESPONDENTS

**A WRIT PETITION UNDER ARTICLE 226/227 OF
THE CONSTITUTION OF INDIA FOR ISSUANCE OF
AN APPROPRIATE WRIT/ DIRECTION/ ORDER TO
THE RESPONDENTS TO PERFORM THEIR
STATUTORY DUTIES AS PER LAW**

TO,

THE HON'BLE CHIEF JUSTICE AND ITS
COMPANION JUDGES OF THE HON'BLE HIGH
COURT OF DELHI, AT NEW DELHI

The Humble Petition of
the Petitioner above- named

MOST RESPECTFULLY SHOWETH:-

- 1.** That the Petitioner is an Advocate practising in Delhi and is a respectable citizen of India.
- 2.** That the Petitioner had applied for Ph.D. Programme of Faculty of Law, University of Delhi against the Notification for Ph.D. issued on 08.01.2014.

The true copy of the above Notification is marked herein and annexed as **ANNEXURE P1.**

3. That the Petitioner appeared in the interview for admission in Ph.D. Programme (Law) held on 18.02.2014 and unfortunately could not qualify the interview due to arbitrary procedure for admission and hence not admitted in Ph.D. Programme. The true copy of the candidates list for Interview in Ph.D. Programme is marked herein and annexed as **ANNEXURE P2.**

4. That the Petitioner is filing the instant writ petition showing the admission procedure of the Respondent No. 1 in violation of University Grants Commission (Minimum Standards and Procedure for Awards of M. Phil/Ph.D. Degrees), Regulation, 2009. The arbitrary and unreasonable actions of the Respondent No. 1 compelled the Petitioner to file this writ petition before the Hon'ble Court.

5. That the affected parties by the orders sought in the writ petition would be Respondents No.1 and 2. To the best of the knowledge of the Petitioner, no other persons/bodies/institutions are likely to be affected by the orders sought in the writ petition.

THE CASE IN BRIEF

6. The petition is being filed highlighting the admission procedure of the Respondent No. 1 in violation of University Grants Commission (Minimum Standards and Procedure for Awards of M. Phil/Ph.D. Degrees), Regulation, 2009 and seeking for an appropriate writ/direction/order to the Respondents to perform their statutory duties as per law.

7. That the Respondent No. 1 is the University of Delhi which was established in 1922 under the Delhi University Act, 1922, the objective being “to establish and incorporate a teaching and affiliating University at Delhi. It is the premier university of the country and is known for its high standards in teaching and research.

8. That the Respondent No. 2 is the University Grants Commission of India (hereinafter “the UGC”). The UGC is a statutory organisation set up under The University Grants Commission Act, 1956, with mandate for coordination, determination and maintenance of standards of university education. It provides recognition to Universities in India, and disburses funds to such recognized Universities and Colleges.

9. That in exercise of the power conferred by clauses (e) & (g) of sub- section (1) of Section 26 of The University Grants Commission Act, 1956, the UGC made University Grants Commission (Minimum Standards and Procedure for Awards of M. Phil/Ph.D. Degrees), Regulation, 2009 (hereinafter "the UGC Regulation, 2009). It was notified in the Gazette of India on 11-17th July, 2009. The true copies of the relevant Regulations are marked herein and annexed as **ANNEXURE P3.**

10. That the Respondent No. 1 invites applications in every six months for admission in Ph.D. Programme in Law. As per the UGC Regulation, 2009, the Respondent No. 1 is bound to admit Ph.D. students through Entrance Test followed by interview. But the Respondent No. 1, disobeying the direction of law, admits Ph.D. students only on the basis of interview and not through Entrance Test. The relevant Regulations are reproduced hereunder:

PROCEDURE FOR ADMISSION

Regulation 9(i): All Universities, Institutions, deemed to be Universities and Colleges/Institutions of National Importance

shall admit M. Phil. Doctoral students through an Entrance Test conducted at the level of individual Universities, Institutions, deemed to be Universities and Colleges/Institutions of National Importance. The University may decide the separate terms and conditions for those students who qualify UGC/CSIR(JRF) Examination/SLET/GATE/teacher fellowship holder or have passed M. Phil. Programme for Ph.D. Entrance Test. Similar approach may be adopted in respect of Entrance Test for M. Phil. Programme.

(ii) It shall be followed by an interview to be organized by the School / Department / Institution / University as the case may be.

11. That after having been admitted, each M. Phil/Ph.D. students are mandatorily required by the Universities to undertake course work for a minimum period of one semester. But this direction of law is also not obeyed by the Respondent No. 1. The relevant Regulation is reproduced hereunder:

COURSE WORK

Regulation 13: *After having admitted, each M. Phil/Ph.D. students shall be required by the Universities, Institutions, deemed to be Universities and Colleges/Institutions of National Importance, as the case may be, to undertake course work for a minimum period of one semester. The course work shall be treated as pre M. Phil/Ph.D. preparation and must include a course on research methodology which may include quantitative methods and computer applications. It may also involve reviewing of published research in the relevant field. The individual Universities, Institutions, deemed to be Universities and Colleges/Institutions of National Importance, as the case may be, shall decide the minimum qualifying requirement for allowing a student to proceed further with the writing of the dissertation.*

If found necessary, course work may be carried out by doctoral candidates in sister

Departments/Institutes either within or outside the University for which due credit will be given to them.

12. That the UGC Regulation, 2009 is being violated by the Respondent No. 1 since it came into effect and the students are being admitted in Ph.D. Programme in arbitrary manner and in violation of the UGC Regulation, 2009.

13. That it is most respectfully submitted that the Respondent No. 1 does not disclose the final list of successful candidates in its website or otherwise. It is submitted that the transparency in Government organizations is one of the most important pillars for good governance. Arbitrariness is antithesis of good governance. The Respondent No. 1 has failed to implement the good governance concept in its organization.

14. That the selection procedure for admission in Ph.D. Programme (Law) only on the basis of interview adopted by the Respondent No. 1 in violation of the UGC Regulation, 2009, is not just, fair and reasonable.

15. That the Respondent No. 2, having the authority to conduct inspection for the purpose of ascertaining

standards of teaching, examination and research of the University, has failed to perform its statutory duties as mandated by University Grants Commission Act, 1956. The Respondent No.2 also failed to take appropriate action against the Respondent No.1 for non compliance of the UGC Regulation, 2009.

16. That due to arbitrary procedure for admission in Ph.D. Programme adopted by Respondent No. 1, the Petitioner suffered legal injury as defined under Section 44 of IPC. Section 44 of IPC is reproduced hereunder:

S. 44. "Injury": The word "injury" denotes any harm whatever illegally caused to any person, in body, mind, reputation or property.

17. That the disobedience of direction of law by the Respondent No.1 has caused legal injury to the Petitioner and to those candidates who have been denied admission wrongfully due to the arbitrary selection process of Ph.D. Programme.

GROUND

Hence the Petitioner moves before this Hon'ble Court by way of this petition on, inter alia, following grounds:

- A.** BECAUSE the selection procedure for admission in Ph.D. Programme (Law) only on the basis of interview adopted by the Respondent No. 1 in violation of the UGC Regulation, 2009, is arbitrary, artificial and evasive. Hence it is violative of Article 14 of the Constitution of India.
- B.** BECAUSE after having been admitted, each M. Phil/Ph.D. students are mandatorily required by the Universities to undertake course work for a minimum period of one semester. But this direction of law is not obeyed by the Respondent No. 1 which is arbitrary. Hence it offends Article 14 of the Constitution.
- C.** BECAUSE non disclosure of final list of successful candidates in the interview offends good governance of a Government Organization which is arbitrary omission of the Respondent No. 1. Arbitrariness is antithesis of good governance. Hence it is violative of Article 14 of the Constitution of India.
- D.** BECAUSE procedure for admission in Ph.D. Programme (Law) only on the basis of interview adopted by the Respondent No. 1 in violation of

the UGC Regulation, 2009, is not just fair and reasonable, hence it violates Article 21 of the Constitution of India.

AVERMENT:

That the Petitioner has not filed any other similar Writ Petition on this subject matter before this Hon'ble Court or any other Court in India.

PRAYER

In view of the facts and circumstances mentioned above, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a)** Issue an appropriate Writ/Direction/Order in the nature of Mandamus to the Respondent No. 2 to take appropriate action against the Respondent No. 1 for not complying the UGC Regulation, 2009, in admitting candidates in Ph.D. Programme (Law).
- b)** Issue any other appropriate Writ/Direction/Order to the Respondent No. 1 to comply with the University Grants Commission (Minimum Standards and Procedure for Awards of M. Phil/Ph.D. Degrees), Regulation, 2009.

c) Issue such other Writ/Direction/Order which
this Hon'ble Court may deem fit and proper in
the facts and circumstances of this case.

**FOR WHICH ACT OF KINDNESS, THE PETITIONER
SHALL AS INDUTY BOUND, EVER PRAY.**

FILED BY:

NEW DELHI

DATE: __/10/2014

JAMSHED ANSARI

(PETITIONER-IN-PERSON)
CHAMBER NO. 670, PATIALA
COURT HOUSE, NEW DELHI