

**In Chambers**

Case :- Case :- WRIT - C No. - 26939 of 2017

Petitioner :- Snehil Singh

Respondent :- Union Of India And 3 Ors.

Counsel for Petitioner :- Seemant Singh

Counsel for Respondent :- A.S.G.I.,Gautam Baghel,Neeraj Tripathi,R A Akhatar,Santosh Kumar Mishra

AND

Case :- WRIT - C No. - 26808 of 2017

Petitioner :- Jaykishan Patel And 5 Ors.

Respondent :- Union Of India And 4 Ors.

Counsel for Petitioner :- Debee Shanker Pandey

Counsel for Respondent :- A.S.G.I.,Manav Chaurasia,Neeraj Tripathi,Rijwan Ali Akhtar

Hon'ble Siddhartha Varma, J.

The petitioners, in these petitions, had taken admission on 17.8.2012 and thereafter had commenced their study of the course of Graduation-cum-D.Phil. and had thereafter completed their 10th Semester by 25.4.2017. When instead of admitting the petitioners to D.Phil. courses, they were being directed to take the Combined Research Entrance Test-2017 by which they were required to take an admission test for admission to D.Phil. course in Globalization and Development Studies, then the present writ petitions were filed praying that the petitioners be granted admission in D.Phil courses in the terms of the admission which was granted to them in the year 2012.

Learned counsel for the petitioners in both the writ petitions have submitted that the Academic Council of the

University of Allahabad had introduced for the first time a course in the name of Globalization and Development Studies and the Council on 6.8.2011 had resolved that the Degree of Philosophy in Globalization and Development Studies could be taken through a programme of Bachelor/D.Phil. dual degree integrated programme. They have submitted that it was also resolved in the Academic Council meet on 6.8.2011 that the course would start from the Academic Session 2012-13 and would end with the grant of D.Phil. Thereafter the University of Allahabad also issued various brochures and informed the public at large that the Graduation-cum-D.Phil. programme could be pursued by students. The petitioners in both the writ petitions applied for admission and also after being admitted deposited their fee. They were admitted on 17.8.2012. From time to time the Academic Council used to assemble and decide as to in what time frame the course would be completed and as to what would be the fee structure etc.. The last resolution, with regard to the fee structure, of the Academic Council of the University of Allahabad was passed on 12.5.2015.

It is the contention of the learned counsel appearing for the petitioners that along with the Academic Council of the University, the University Grants Commission had also from time to time issued notifications with regard to the manner in which admissions to D.Phil. course had to be done by the Universities.

The first resolution concerning the instant case was passed on

1.6.2009 and the same is being reproduced here as under :

**"UGC (MINIMUM STANDARDS AND
PROCEDURE FOR AWARDS OF M.PHIL/PH.D.
DEGREE) REGULATION, 2009**

New Delhi-110002, the 1st June 2009

F.1-1/2002 (PS) Exemp. -- In exercise of the powers conferred by clause (e) & (g) of sub-section (1) of Section 26 of University Grants Commission Act, 1956 (3 of 1956), the University Grants Commission hereby makes the following Regulations, namely:-

Short Title, Application and Commencement:

1. These regulations may be called University Grants Commission (Minimum Standards and Procedure for Award of M.Phil/Ph.D. Degree) Regulations, 2009.
2. They shall apply to every University established or incorporated by or under a Central Act, Provincial Act or a State Act, every Institution including a constituent or an affiliated College recognized by the Commission, in consultation with the University concerned under clause (1) of Section 2 of the University Grants Commission Act, 1956, and every Institution deemed to be a University under section 3 of the said Act.
3. They shall come into force with effect from the date of their publication in the Gazette of India.
4. All Universities, Institutions, Deemed to be Universities and Colleges/Institutions of National Importance shall be eligible for conducting M.Phil. and Ph.D. Programmes.
5. Notwithstanding anything contained in these Regulations or any other Rule or regulation, for the time being in force, no University, Institution, Deemed to be University and College/Institution of National Importance shall conduct M.Phil. and Ph.D. Programmes through distance education mode.

**ELIGIBILITY CRITERIA FOR M.PHIL./PH.D.
SUPERVISOR**

6. All Universities, Institutions, Deemed to be Universities and Colleges/Institutions of National Importance shall lay down the criteria for the faculty to be recognized as Research Supervisor both for M.Phil and Ph.D. Programmes.

7. All Universities, Institutions, Deemed to be Universities and Colleges/Institutions of National Importance shall lay down and decide on annual basis, a predetermined and manageable number of M.Phil and doctoral students depending on the number of the available eligible Faculty Supervisors. A Supervisor shall not have, at any given point of time, more than Eight Ph.D. Scholars and Five M.Phil. Scholars.

8. The number of seats for M.Phil and Ph.D. shall be decided well in advance and notified in the University website or advertisement. All Universities, Institutions, Deemed to be Universities and Colleges/Institutions of National Importance shall widely advertise the number of available seats for M.Phil/Ph.D. studies and conduct admission on regular basis.

PROCEDURE FOR ADMISSION

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 University, Institution, Deemed to be University and College/Institution of National Importance. The University may decide 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.

(iii) At the time of interview, doctoral candidates are expected to discuss their research interest/area.

(iv) Only the predetermine number of students may be admitted to M.Phil/Ph.D. programme.

10. The admission to the Ph.D. Programme would be either directly or through M.Phil Programme.

11. While granting admission to students to M.Phil/Ph.D. Programmes, the Department/Institute/School will pay due attention to the National/State Reservation Policy.

ALLOCATION OF SUPERVISOR

12. The allocation of the supervisor for a selected student shall be decided by the Department in a formal manner depending on the number of students per faculty member, the available specialization among the faculty supervisors, and the research interest of the student as indicated during interview by the student. The allotment/allocation of supervisor shall not be left to the individual student or teacher.

COURSE WORK

13. After having being admitted, each M.Phil/Ph.D. student 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 per M.Phil/Ph.D. preparation and must include a course on research methodology which may include quantitative methods of 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.

EVALUATION AND ASSESSMENT METHODS

14. Upon satisfactory completion of course work and research methodology, which shall form part & parcel of M.Phil/Ph.D. Programme, the M.Phil/Ph.D. Scholar shall undertake research work and produce a draft thesis within a reasonable time, as stipulated by the Institution concerned.

15. Prior to submission of the thesis, the student shall make a pre-M/Phil/Ph.D. presentation in the Department that may be open to all faculty members and research students, for getting feedback and comments, which may be suitably incorporated into the draft thesis under the advice of the supervisor.

16. Ph.D. candidates shall publish one research paper in a referred Journal before the submission of the thesis/monograph for adjudication, and produce evidence for the same in the form of acceptance letter or the reprint.

17. The thesis produce by the M.Phil/Ph.D students in the Institutions/Departments and submitted to the Universities, Institutions, Deemed to be Universities and Colleges/Institutions of National Importance concerned to have one examiner from outside the Country.

18. On receipt of satisfactory evaluation reports, M.Phil/Ph.D students shall undergo a viva voce examination which shall also be openly defended.

DEPOSITORY WITH UGC

19. Following the successful completion of the evaluation process and announcements of the award of M.Phil/Ph.D, the University shall submit a soft copy of the M.Phil/Ph.D. thesis to the UGC within a period of thirty days, for hosting the same in INFLIBNET, accessible to all Institutions/Universities.

20. Alongwith the Degree, the Degree awarding University, Institution, Deemed to be University and College/Institution of National Importance, as the case may be, shall issue a Provisional Certificate certifying to the effect that the Degree has been awarded in accordance with the provisions to these Regulations of the UGC."

Thereafter it was followed by a notification dated 5.5.2016 which also, since was relied upon by the learned counsel for the petitioners, is being reproduced here as under :

MINISTRY OF HUMAN RESOURCE
DEVELOPMENT
UNIVERSITY GRANTS COMMISSION
NOTIFICATION

New Delhi, the 5th May, 2016

University Grants Commission (Minimum Standards and Procedure for Award of M.PHIL./PH.D. Degrees) Regulations, 2016

(In supersession of the UGC (Minimum Standards and Procedure for Awards of M.Phil./Ph.D. Degree) Regulation, 2009, notified in The Gazette of India [No.28, Part III-Section 4] for the week July 11-July 17, 2009]

No.F.1-2/2009 (EC/PS)V(I) Vol.II-In Exercise of the powers conferred by clauses (f) and (g) of sub-section (1) of Section 26 of the University Grants Commission Act, 1956 (3 of 1956), and in supersession of the UGC (Minimum Standards and Procedure for Awards of M.Phil/Ph.D. Degree) Regulation, 2009, notified in The Gazette of India [No.28, Part III-Section 4] for the week

July 11 - July 17, 2009, the University Grants Commission hereby makes the following Regulations, namely --

1. Short Title, Application and Commencement:

1.1 These Regulations may be called University Grants Commission (Minimum Standards and Procedure for Award of M.Phil/Ph.D. Degrees) Regulations, 2016.

1.2. They shall apply to every University established or incorporated by or under a Central Act, a Provincial Act, or a State Act, every affiliated college, and every Institution Deemed to be a University under Section 3 of the UGC Act, 1956.

1.3 They shall come into force from the date of their publication in the Gazette of India.

2. Eligibility criteria for admission to the M.Phil. programme:

2.1 Candidates for admission to the M.Phil. programme shall have a Master's degree or a professional degree declared equivalent to the Master's degree by the corresponding statutory regulatory body, with at least 55% marks in aggregate or its equivalent grade 'B' in the UGC 7-point scale (or an equivalent grade in a point scale wherever grading system is followed) or an equivalent degree from a foreign educational Institution accredited by an Assessment and Accreditation Agency which is approved, recognized or authorized by an authority, established or incorporated under a law in its home country or any other statutory authority in that country for the purpose of assessing, accrediting or assuring quality and standards of educational institutions.

2.2. A relaxation of 5% of marks, from 55% to 50%, or an equivalent relaxation of grade, may be allowed for those belonging to SC/ST/OBC (non-creamy layer)/Differently-Abled and other categories of candidates as per the decision of the Commission from time to time, or for those who had obtained their Master's degree prior to 19th September, 1991. The eligibility marks of 55% (or an equivalent grade in a point scale wherever grading system is followed) and the relaxation of 5% to the categories mentioned above are permissible based only on the qualifying marks without including the grace mark procedures.

3. Eligibility criteria for admission to Ph.D. programme:

Subject to the conditions stipulated in these Regulations, the following persons are eligible to seek admission to the Ph.D. programme:

3.1 Master's Degree holders satisfying the criteria stipulated under Clause 2, above.

3.2 Candidates who have cleared the M.Phil. course work with at least 55% marks in aggregate or its equivalent grade 'B' in the UGC 7-point scale (or an equivalent grade in a point scale wherever grading system is followed) and successfully completing the M.Phil. Degree shall be eligible to proceed to do research work leading to the Ph.D. Degree in the same Institution in an integrated programme. A relaxation of 5% of marks, from 55% to 50%, or an equivalent relaxation of grade, may be allowed for those belonging to SC/ST/OBC (non-creamy layer)/differently-abled and other categories of candidates as per the decision of the Commission from time to time.

3.3 A person whose M.Phil dissertation has been evaluated and the viva voce is pending may be admitted to the Ph.D. programme of the same Institution:

3.4 Candidates possessing a Degree considered equivalent to M.Phil. Degree of an Indian Institution, from a Foreign Educational Institution accredited by an Assessment and Accreditation Agency which is approved, recognized or authorized by an authority, established or incorporated under a law in its home country or any other statutory authority in that country for the purpose of assessing, accrediting or assuring quality and standards of educational institutions, shall be eligible for admission to Ph.D. programme.

4. Duration of the Programme:

4.1 M.Phil. programme shall be for a minimum duration of two (2) consecutive semesters / one year and a maximum of four (4) consecutive semesters / two years.

4.2 Ph.D. programme shall be for a minimum duration of three years, including course work and a maximum of six years.

4.3 Extension beyond the above limits will be governed by the relevant clauses as stipulated in the Statute/Ordinance of the individual Institution concerned.

4.4 The women candidates and Persons with Disability (more than 40% disability) may be allowed a relaxation of one year for M.Phil. and two years for Ph.D. in the maximum duration. In addition, the women candidates may be provided Maternity Leave/Child Care Leave once in the entire duration of M.Phil/Ph.D. for upto 240 days.

5. Procedure for admission :

5.1 All Universities and Institutions Deemed to be Universities shall admit M.Phil/Ph.D. students through an Entrance Test conducted at the level of Individual University/Institution Deemed to be a University. The University/Institution Deemed to be a University may decide separate terms and conditions for Ph.D. Entrance Test for those students who qualify UGC-NET (including JRF)/UGC-CSIR NET (including JRF)/SLET/GATE/teacher fellowship holder or have passed M.Phil programme. Similar approach may be adopted in respect of Entrance Test for M.Phil. programme.

5.2 Higher Educational Institutions (HEIs) referred to in sub-clause 1.2 above and Colleges under them which are allowed to conduct M.Phil. and/or Ph.D. programmes, shall :

5.2.1 decide on an annual basis through their academic bodies a predetermined and manageable number of M.Phil and/or Ph.d. scholars to be admitted depending on the number of available Research Supervisors and other academic and physical facilities available, keeping in mind the norms regarding the scholar-teacher ratio (as indicated in Para 6.5), laboratory, library and such other facilities;

5.2.2 notify well in advance in the institutional website and through advertisement in at least two (2) national newspapers, of which at least one (1) shall be in the regional language, the number of seats for admission, subject/discipline-wise distribution of available seats, criteria for admission, procedure for admission, examination centre(s) where entrance test(s) shall be conducted and all other relevant information for the benefit of the candidates.

5.2.3 adhere to the National/State-level reservation policy, as applicable.

5.3 The admission shall be based on the criteria notified by the Institution, keeping in view the guidelines/norms in this regard issued by the UGC and other statutory bodies concerned, and taking into account

the reservation policy of the Central/State Government from time to time.

5.4 HEIs as mentioned in Clause 1.2 shall admit candidates by a two stage process through :

5.4.1 An Entrance Test shall be qualifying with qualifying marks as 50%. The syllabus of the Entrance Test shall consist of 50% of research methodology and 50% shall be subject specific. The Entrance Test shall be conducted at the Centre(s) notified in advance (changes of Centres, if any, also to be notified well in advance) at the level of the individual HEI as mentioned in clause 1.2; and

5.4.2 An interview /viva-voce to be organized by the HEI as mentioned in clause 1.2 when the candidates are required to discuss their research interest/area through a presentation before a duly constituted Department Research Committee.

5.5 The interview/viva voce shall also consider the following aspect, viz. whether

5.5.1 the candidate possesses the competence for the proposed research;

5.5.2 the research work can be suitably undertaken at the Institution/College;

5.5.3 the proposed area of research can contribute to new/additional knowledge.

5.6 The University shall maintain the list of all the M.Phil/ Ph.D registered students on its website on year-wise basis. The list shall include the name of the registered candidate, topic of his/her research, name of his/her supervisor/co-supervisor, date of enrollment/registration.

6. Allocation of Research Supervisor: Eligibility criteria to be a Research Supervisor. Co-Supervisor, Number of M.Phil./Ph.D. Scholars permissible per Supervisor, etc.

6.1 Any regular Professor of the University/Institution Deemed to be a University/College with at least five research publications in referred journals and any regular Associate/Assistant Professor of the University/institution deemed to be a University/college with a Ph.D degree and at least two research publications in refereed journals may be recognized as Research Supervisor.

Provided that in areas/disciplines where there is no or only a limited number of refereed journals, the

Institution may relax the above condition for recognition of a person as Research Supervisor with reasons recorded in writing.

6.2 Only a full time regular teacher of the concerned University/Institution Deemed to be a University/College can act as a supervisor. The external supervisors are not allowed. However, Co-Supervisor can be allowed in inter-disciplinary areas from other departments of the same institute or from other related institutions with the approval of the Research Advisory Committee.

6.3 The allocation of Research Supervisor for a selected research scholar shall be decided by the Department concerned depending on the number of scholars per Research Supervisor, the available Specialization among the Supervisors and research interests of the scholars as indicated by them at the time of interview /viva voce.

6.4 In case of topics which are of inter-disciplinary nature where the Department concerned feels that the expertise in the Department has to be supplemented from outside, the Department may appoint a Research Supervisor from the Department itself, who shall be known as the Research Supervisor, and a Co-Supervisor from outside the Department/ Faculty/College/Institution on such terms and conditions as may be specified and agreed upon by the consenting Institutions/Colleges.

6.5 A Research Supervisor/Co-supervisor who is a Professor, at any given point of time, cannot guide more than three (3) M.Phil. and Eight (8) Ph.D. scholars. An Associate Professor as Research Supervisor can guide up to a maximum of two (2) M.Phil. and six (6) Ph.D. Scholars and an Assistant Professor as Research Supervisor can guide up to a maximum of one (1) M.Phil. and from (4) Ph.D. scholars.

6.6 In case of relocation of an M.Phil./Ph.D. woman scholar due to marriage or otherwise, the research data shall be allowed to be transferred to the University to which the scholar intends to relocate provided all the other conditions in these regulations are followed in letter and spirit and the research work does not pertain to the project secured by the parent institution/supervisor from any funding agency. The scholar will however give due credit to the parent guide and the institution for the part of research already done.

7. Course Work: Credit Requirements, number, duration, syllabus, minimum standards for completion, etc.

7.1 The credit assigned to the M.Phil. or Ph.D. course work shall be a minimum of 08 credits and a maximum of 16 credits.

7.2 The course work shall be treated as prerequisite for M.Phil. / Ph.D. preparation. A minimum of four credits shall be assigned to one or, more courses on Research Methodology which could cover areas such as quantitative methods, computer applications, research ethics and review of published research in the relevant field, training, field work, etc. Other courses shall be advanced level courses preparing the students for M.Phil/Ph.D. Degree.

7.3 All courses prescribed for M.Phil. and Ph.D. course work shall be in conformity with the credit hour instructional requirement and shall specify content, instructional and assessment methods. They shall be duly approved by the authorized academic bodies.

7.4 The department where the scholar pursues his/her research shall prescribe the course(s) to him/her based on the recommendations of the Research Advisory Committee, as stipulated under sub-Clause 8.1 below, of the research scholar.

7.5 All candidates admitted to the M.Phil and Ph.D. Programmes shall be required to complete the course work prescribed by the Department during the initial one or two semesters.

7.6 Candidates already holding M.Phil. degree and admitted to the Ph.D. programme, or those who have already completed the course work in M.Phil. and have been permitted to proceed to the Ph.D. in integrated course, may be exempted by the Department from the Ph.D. course work. All other candidates admitted to the Ph.D. Programme shall be required to complete the Ph.D. course work prescribed by the Department.

7.7 Grades in the course work, including research methodology courses shall be finalized after a combined assessment by the Research Advisory Committee and the Department and the Final grades shall be communicated to the institution / College.

7.8 A M.Phil/Ph.D. Scholar has to obtain a minimum of 55% of marks or its equivalent grade in the UGC 7-point scale (or an equivalent grade/CGPA in a point scale wherever grading system is followed) in the course work in order to be eligible to continue in the programme and submit the dissertation/thesis.

8. Research Advisory Committee and its functions:

8.1 There shall be a Research Advisory Committee, or an equivalent body for similar purpose as defined in the Statutes/Ordinances of the Institution concerned, for each M.Phil and Ph.D. scholar. The Research Supervisor of the scholar shall be the Convener of this Committee. This Committee shall have the following responsibilities:-

8.1.1 To review the research proposal and finalize the topic of research;

8.1.2 To guide the research scholar to develop the study design and methodology of research and identify the course (s) that he /she may have to do.

8.1.3 To Periodically review and assist in the progress of the research work of the research scholar.

8.2 A research scholar shall appear before the Research Advisory Committee once in six months to make a presentation of the progress of his/her work for evaluation and further guidance. The six monthly progress reports shall be submitted by the Research Advisory Committee to the Institution /College with a copy to the research scholar.

8.3 In case the progress of the research scholar is unsatisfactory, the Research Advisory Committee shall record the reasons for the same and suggest corrective measures. If the research scholar fails to implement these corrective measures, the Research Advisory Committee may recommend to the institution /College with specific reasons for cancellation of the registration of the research scholar.

9. Evaluation and Assessment Methods, minimum standards/credits for award of the degree etc:

9.1 The overall minimum credit requirement, including credit for the course work, for the award of M.Phil degree shall not be less than 24 credits.

9.2 Upon satisfactory completion of course work, and obtaining the marks/grade prescribed under clauses 7.8 above, as the case may be, the M.Phil/Ph.D. Scholar shall be required to under and produce a draft dissertation/thesis within a reasonable time as stipulated by the Institution concerned based on these Regulations.

9.3 Prior to the submission of the dissertation/thesis, the scholar shall make a presentation in the Department before the Research Advisory Committee of the Institution concerned which shall also be open to all faculty members and other research scholars. The feedback and comments obtained from them may be suitably incorporated into the draft dissertation/thesis in consultation with the Research Advisory Committee.

9.4 M.Phil scholars shall present at least one (1) research paper in a conference/seminar and Ph.D. scholars must publish at least one (1) research paper in referred journal and make two paper presentation in conference/seminars before the submission of the dissertation/thesis for adjudication, and produce evidence for the same in the form of presentation certificates and/or reprints.

9.5 The Academic Council (or its equivalent body) of the Institution shall evolve a mechanism using well developed software and gadgets to detect plagiarism and other forms of academic dishonesty. While submitting for evaluation, the dissertation/thesis shall have an undertaking from the research scholar and a certificate from the Research Supervisor attesting to the originality of the work, vouching that there is no plagiarism and that the work has not been submitted for the award of any other degree/diploma of the same Institution where the work was carried out, or to any other Institution.

9.6 The M.Phil. dissertation submitted by a research scholar shall be evaluated by his/her Research Supervisor and at least one external examiner who is not in the employment of the Institution/College. The *viva-voce* examination, based among other things, on the critiques given in the evaluation report, shall be conducted by both of them together, and shall be open to be attended by Members of the Research Advisory Committee, all faculty members of the Department, other research scholars and other interested experts/researchers.

9.7 The Ph.D. thesis submitted by a research scholar shall be evaluated by his/her Research Supervisor and at least two external examiners, who are not in employment of the Institution/College, of whom one examiner may be from outside the country. The *viva-voce* examination, based among other things, on the critiques given in the evaluation report, shall be conducted by the Research Supervisor and at least one of the two external examiners, and shall be open to be attended by Members of the Research Advisory Committee, all faculty

members of the Department, other research scholars and other interested experts/researchers.

9.8 The public *viva-voce* of the research scholar to defend the dissertation/thesis shall be conducted only if the evaluation report(s) of the external examiner(s) on the dissertation/thesis is/are satisfactory and include a specific recommendation for conducting the *viva-voce* examination. If the evaluation report of the external examiner in case of M.Phil dissertation, or one of the evaluation reports of the external examiner in case of Ph.D. thesis, is unsatisfactory and does not recommend *viva-voce*, the Institution shall send the dissertation/thesis to another external examiner out of the approved panel of examiners and the *viva-voce* examination shall be held only if the report of the latest examiner is satisfactory. If the report of the latest examiner is also unsatisfactory, the dissertation/thesis shall be rejected and the research scholar shall be declared ineligible for the award of the degree.

9.9 The Institution shall develop appropriate methods so as to complete the entire process of evaluation of M.Phil. dissertation/Ph.D. thesis within a period of six months from the date of submission of the dissertation/thesis.

10. Academic, administrative and infrastructure requirement to be fulfilled by Colleges for getting recognition for offering M.Phil/Ph.D. programmes:

10.1 Colleges may be considered eligible to offer M.Phil/Ph.D. programmes only if they satisfy the availability of eligible Research Supervisors, required infrastructure and supporting administrative and research promotion facilities as per these Regulations.

10.2 Post-graduate Departments of Colleges, Research laboratories of Government of India/State Government with at least two Ph.D. qualified teachers/scientists/other academic staff in the Department concerned along with required infrastructure, supporting administrative and research promotion facilities as per these Regulations, stipulated under sub-clause 10.3, shall be considered eligible to offer M.Phil/Ph.D. programmes. Colleges should additionally have the necessary recognition by the Institution under which they operate to offer M.Phil/Ph.D. programme.

10.3 Colleges with adequate facilities for research as mentioned below alone shall offer M.Phil./Ph.D. programmes:

10.3.1 In case of science and technology disciplines, exclusive research laboratories with sophisticated equipment as specified by the Institution concerned with provision for adequate space per research scholar along with computer facilities and essential software, and uninterrupted power and water supply;

10.3.2 Earmarked library resources including latest books, Indian and International journals, e-journals, extended working hours for all disciplines, adequate space for research scholars in the Department/library for reading, writing and storing study and research materials;

10.3.3 Colleges may also access the required facilities of the neighbouring Institutions/Colleges, or of those Institutions/Colleges/R&D laboratories/Organizations which have the required facilities.

11. Treatment of Ph.D./M.Phil through Distance Mode/Part-time:

11.1 Notwithstanding anything contained in these Regulations or any other Rule or Regulation, for the time being in force, no University; Institution, Deemed to be a University and College shall conduct M.Phil and Ph.D. Programmes through distance education mode.

11.2 Part-time Ph.D. will be allowed provided all the conditions mentioned in the extent Ph.D. Regulations are met.

12. Award of M.Phil./Ph.D. degrees prior to Notification of these Regulations, or degrees awarded by foreign Universities:

12.1 Award of degrees to candidates registered for the M.Phil./Ph.D. programme on or after July 11, 2009 till the date of Notification of these Regulations shall be governed by the provisions of the UGC (Minimum Standards and Procedure for Awards of M.Phil/Ph.D. Degree) Regulation, 2009.

12.2. If the M.Phil./Ph.D. degree is awarded by a Foreign University, the Indian Institution considering such a degree shall refer the issue to a Standing Committee constituted by the concerned institution for the purpose of determining the equivalence of the degree awarded by the foreign University.

13. Depository with INFLIBNET:

13.1 Following the successful completion of the evaluation process and before the announcement of the award of the M.Phil/Ph.D. degree(s), the Institution concerned shall submit an electronic copy of the M.Phil dissertation/Ph.D. thesis to the INFLIBNET, for hosting the same so as to make it accessible to all Institutions/Colleges.

13.2 Prior to the actual award of the degree, the degree-awarding Institution shall issue a provisional Certificate to the effect that the Degree has been awarded in accordance with the provisions of these UGC Regulations, 2016."

Learned counsel for the petitioners also stressed on the fact that the University, upon being made aware of the various notifications of the University Grants Commission, had from time to time passed various resolutions. On 9.10.2016, the Centre for Globalization and Development Studies, University of Allahabad met under the Chairmanship of the Programme Committee Professor V.P. Singh and had resolved that such students who had been enrolled prior to the commencement of the programme which was subsequently being changed in the year 2016-17 would be eligible to continue with D.Phil. programme as per the provisions which were existing prior to the commencement of the programme of 2016-17. The resolution of the Programme Committee dated 9-10 February 2016 was placed before the Vice-Chancellor who, on 24.2.2016, approved the same. The resolution dated 9-10 February 2016 which was approved by the Vice-Chancellor is being reproduced here as under :-

**"Centre for Globalization and Development Studies
University of Allahabad
Allahabad**

**Minutes of the Meeting of the Programme Committee
held on February 9-10, 2016 at 11.00 am.**

Members Present:

1. Prof. Ravindra Dhar
2. Prof. Rajesh Misra
3. Prof. Parvez A. Abbasi
4. Prof. Sanjeev Bhadoria
5. Dr. Subhash Shukla
6. Dr. Pradeep K. Sharma
7. Mr. Sumit Saurabh Srivastava
8. Prof. V.P. Singh (Chairman)

Agenda Item no.1 To review Bachelor cum D.Phil (Integrated) programme.

The matter was discussed intensively. Prof. V.P. Singh shared experience of this programme and said that intake of this programme was relatively better and had immense potential for improvement. Therefore, the programme should remain in force with provisions of lateral entry after the completion of the six semesters (Bachelor degree).

The following resolutions were adopted unanimously.

Resolution No.1. The D.Phil. Component of the existing Bachelor-cum-D.Phil. programme has been delinked and henceforth it will remain only five years integrated programme with Bachelor and Master Degrees.

Resolution No.2. It was resolved that programme will have a provision of the lateral entry after three years. Those students who have obtained 6.0 CGPA in case of General and OBC category and 5.5. CGPA in case of SC and ST shall be automatically enrolled in the Master in Development Studies Programme. Remaining vacant seats shall be filled-in through the AU PGAT.

Resolution No.3. Eligibility criteria for the remaining seats have been determined as follows: and it was asserted that these criteria should be adhered to strictly. Eligibility : Minimum 50% marks or equivalent grade in High School and Higher Secondary/Intermediate and 55% or equivalent grade in Bachelor of Social Work/B.Com./B.A. in Economics/B.Sc. (Ag.)/Bachelor in Development Studies/Globalization and Development Studies/Bachelor in Business Administration/Management/Bachelor degree in Rural Development/Bachelor of Planning from a recognized University and minimum 50% score in PGAT.

Resolution No.4. The programme has been re-nomenclatured as Bachelor-Master (Integrated) Programme in Globalization and Development Studies as per the Gazette notification of the UGC in this regard. After three years the student will be awarded Bachelor in Globalization and Development Studies degree and on successful completion of five years he/she will be awarded the Master in Development Studies degree.

Resolution No.5. Those who are already enrolled prior to the commencement of this programme (2016-17) shall be eligible to up-grade in D.Phil. Programme as per existing provisions.

Agenda Item No.2. To review the Master in Development Studies Programme.

The following resolution was adopted unanimously.

Resolution No.6. It was resolved that since there is already an integrated programme with Master degree component having lateral entry after three years, Two Years Master in Development Studies, be dropped from the academic session 2016-17.

Other items on the agenda were deferred for the next meeting."

Learned counsel for the petitioners relying upon the various notifications of the University Grants Commission and the resolution of the Programme Committee of the Centre for Globalization and Development Studies submitted that as per the Regulations of 2009 of the University Grants Commission there was no provision for taking separate admissions for the courses of graduation, post-graduation and D.Phil. and, therefore, the University correctly commenced with the admission to the Bachelor-cum-D.Phil. dual degree course. Learned counsel for the petitioners further relying upon the notification dated 5.5.2016 (which was published on a later date in the Gazette of

India) submitted that Clause 12 of the notification very clearly stated that such candidates who were registered for D.Phil. programme on or after 11.7.2009 and till the date of the notification of 2016 would be governed by the provisions of 2009 Regulations. Learned counsel for the petitioners further relied upon the minutes of the meeting of the Programme Committee of the Centre for Globalization and Development Studies, University of Allahabad dated 9/12 February 2016 and stated that if Resolution 5 of it was perused, it would become crystal clear that those who had enrolled prior to the commencement of the Programme of 2016-17 would be eligible to get upgraded in the D.Phil Programme as per the provisions which were in existence prior to the commencement of the Programme of 2016-17 and, therefore, learned counsel for the petitioners submitted that when the entrance examination was being conducted in the year 2017 then the petitioners were not expected to get admission in the D.Phil course through any entrance examination. Learned counsel for the petitioners submitted that when the petitioners had taken admission in the Graduation-cum-D.Phil. Dual Degree Programme in Globalization and Development Studies (integrated programme) then it was taken as granted that as and when they got the requisite marks in a particular semester, they would be promoted to the next semester. Accordingly, they presumed that they would be promoted from Graduation to Post-Graduation classes and thereafter they would be deemed to be

admitted to D.Phil. classes; provided they got the Cumulative Grade Point average of 6 or more points. Learned counsel for the petitioners submitted that when the petitioners obtained more than 6 points in the Cumulative Grade Point average then the respondent-University had no other option but to admit them to D.Phil course. Learned counsel, therefore, submitted that there was absolutely nothing which could suggest that the petitioners were not entitled for the admission in the D.Phil course without any entrance examination. Learned counsel for the petitioners further submitted that mere admission in the D.Phil. course did not mean that they would get their degrees automatically. They would be evaluated by the University and only thereafter the degrees would be awarded to them and, therefore, it could not be stated that if the petitioners, after obtaining their post-graduation degrees, took admission in the D.Phil. courses then they would in any manner be sub-standard students.

Learned counsel appearing for the University, however, submitted that even though the petitioners were admitted as per the resolution of the Academic Council and as per the advertisement etc. issued by the University, the University had to give admission in the D.Phil course only by means of an entrance examination. This he submitted was only for the benefit of the students as in the notification of the University Grants Commission of the year 2016 it had been provided that if admissions were done in contravention of the notifications issued

by the University Grants Commission then the degrees would not be recognized. He further submitted that the U.G.C. notification of 1.6.2009 was, though not prohibiting the Universities from coming up with integrated courses, has not very clearly stated that what would be the procedure.

Learned counsel appearing for the University Grants Commission also submitted that the University was bound by the notifications of the University Grants Commission and, therefore, it could not digress from the notifications issued by the University Grants Commission.

Having heard learned counsel for the petitioners, learned counsel appearing for the University and the learned counsel appearing for the University Grants Commission, I am convinced that the University and the University Grants Commission both were bound by their initial actions. In the year 2009, the University Grants Commission had given the University the freedom to admit students to D.Phil courses in the manner they would decide. When in the year 2011 the University of Allahabad, in the Department of Globalization and Development Studies, had decided to take students in the integrated course of Graduation and D.Phil. then they did not commit anything wrong. When the University Grants Commission came up with certain directions that the D.Phil admissions had to be done after an entrance examination then the University had issued a notification on 9/10 February 2016 and by means of Resolution

No.5 it had provided that such students who had been enrolled prior to the commencement of the Programme of 2016-17 would be eligible to get themselves upgraded to the D.Phil course as per the provisions which were in existence before the commencement of the 2016-17 programme. In fact the University Grants Commission also by its notification dated 5.5.2016 had very categorically in clause 12.1 stated that degrees to the candidates registered on or after 11 July 2009 but prior to the issuance of the notification dated 5.5.2016 would be governed by the provisions of the University Grants Commission Resolution of the year 2009. I, therefore, hold that when the petitioners had obtained their admissions in the year 2012 in accordance with the Rules/Regulations/Notifications of the University and also of the University Grants Commission, then there was nothing illegal in the admission. The University and the University Grants Commission both were bound by their Resolutions and Notifications. In fact they were estopped from digressing from their earlier stands. The petitioners had taken admission on the promise of the University that they would be allowed to continue with their D.Phil courses after they had got the requisite number of Cumulative Grade Points Average which had to be more than 6 and, therefore, the University was bound to give admission as per their notification dated 6.8.2011 which was never in effect rescinded or superseded. The University Grants Commission also by its notification dated 5.5.2016 (specially Clause 12.1) had very

categorically stated that such candidates who were registered for programmes on or after 11.7.2009 but before the notification of 5.5.2016 would continue to be governed by the provisions of the 2009 Regulations.

Under such circumstances, the petitioners would be entitled for admission to the D.Phil courses. The petitioners may now be admitted in the course forthwith.

The writ petitions are, accordingly, allowed.

Order Date :- 05.05.2020
GS

(Siddhartha Varma, J.)