

Tapas Kumar Datta Vs. Indian Institute of Technology, Kharagpur and Ors.

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Court : Kolkata

Decided On : Jan-20-2016

Judge : Debangsu Basak

Appellant : Tapas Kumar Datta

Respondent : Indian Institute of Technology, Kharagpur and Ors.

Judgement :

ORDER

SHEET WP No.403 of 2014 IN THE HIGH COURT AT CALCUTTA Constitutional Writ Jurisdiction ORIGINAL SIDE TAPAS KUMAR DATTA Versus INDIAN INSTITUTE OF TECHNOLOGY, KHARAGPUR & ORS.BEFORE: The Hon'ble JUSTICE DEBANGSU BASAK Date : 20th January, 2016.

Mr.Tapas Kr.

Dutta appears in person Mr.R.N.Majumdar, Mr.Sourav Chakraborty, Mr.Supratim Bhattacharjee, Adversus for the respondent The Court : The petitioner appears in person and seeks relief with regard to the thesis submitted by him with the respondent No.1.

According to the petitioner he had submitted a thesis for consideration by the authorities.

He had given the clarification sought for.

He ought to have been called for a viva voce interview.

He was not called for such viva voce interview.

The refusal to call for the interview is not in accordance to the regulations governing the grant of a Ph.D. decree by the respondent No.1.

According to the petitioner, the thesis was submitted in 1997.

A clarification was sought for which he clarified in December, 1997.

Thereafter he was ill in 2000.

Subsequently after recovery he wanted to know his fate.

The respondents are represented.

On behalf of the respondent it is submitted that the thesis was submitted in 1997.

The thesis stood rejected in 2002.

Such rejection was informed to the petitioner by a letter dated June 10, 2002.

He had made an appeal to the President of India who was the then visitor of the respondent No.1.

The respondent No.1 had intimated the Central Government as to the rejection of the thesis then.

Moreover the petitioner is guilty of unexplained delay.

I have considered the rival contentions of the parties and the materials made available on record.

The petitioner had submitted a thesis in 1997 for consideration by the respondent No.1.

The respondent No.1 appears to have considered the same and sought certain clarification from the petitioner by a writing dated November 13, 1997.

The petitioner has given such clarification, which according to the petitioner is of December, 1997.

The clarification has been placed on record.

The clarification however is undated.

The next document appearing in the writ petition is a letter dated February 7, 2014 issued by the advocate for the petitioner demanding justice.

This letter has been responded to on behalf of the institute through its advocate by letter dated February 27, 2014.

The next letter in the writ petition a reply thereto by the advocate of the petitioner dated March 25, 2014.

It appears from the reply of the institute dated February 27, 2014 that the thesis submitted by the petitioner was sent to two external examineRs.one within the country and another outside the country, for evaluation the same.

The foreign examiner had sought clarification on the thesis.

After such clarification of the thesis done by the petitioner the thesis was sent to the foreign examiner for evaluation.

However the foreign examiner was not satisfied with the clarification given by the petitioner.

Consequently based on the report of the examiner the Doctoral Scrutiny Committee recommended the thesis to be sent to a third examiner as per the regulation governing the same.

The third examiner however had rejected the thesis for the award of the Ph.D.decreed.

In such circumstances, the institute had closed the matter.

The institute informed the petitioner by a letter dated June 10, 2002 that since the Doctoral Scrutiny Committee has considered the case of the petitioner and felt that there was no scope for further review.

The thesis of the petitioner would not be considered.

The petitioner thereafter had written a letter dated June 12, 2006 to the then President of India.

Responding to the query from the Ministry, the institute had informed the Ministry about the rejection of the thesis.

It appears that thesis submitted by the petitioner was sent for due evaluation by examineRs. The same stood rejected by the foreign examiner, as also by the third examiner on reference by the institute.

This appears to be communicated by a letter dated June 10, 2002.

The writ petitioner has not explained his conduct for the period from June, 2002 to August, 2006 when he made request to then President of India.

Subsequent thereto for the period from August 12, 2006 to the date of filing of the writ petition dated May 5, 2014 the petitioner has not explained his conduct in the writ petition apart from the letter addressed by the advocate in 2014 as referred to above.

In the facts of the case I am satisfied the institute has taken appropriate measure to evaluate the thesis in accordance with the regulation prevailing.

The petitioner is also guilty of unexplained delay.

In such circumstances, I do not find any merit in the writ petition.

W.P.403 of 2014 is dismissed.

No order as to costs.

(DEBANGSU BASAK, J.) TR/

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