

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1072 OF 2009

(Arising out of S.L.P. (C) No.10348 of 2008)

P.C. Markanda

...Appellant(s)

Versus

Panjab University & Ors.

...Respondent(s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The appellant made an application for enrolment for Degree of Doctor of Laws on topic “Adoption of UNCITRAL Model Law for International Commercial Arbitrations by Commonwealth Countries – Impact, Emerging Trends and Interpretation”. Along with the application he annexed the papers presented by him at the National and International Forums and the books authored by him. His application was considered in the joint meeting of the Academic Committee and Administrative Committee of the Department of Laws, Panjab University, held on 29th July, 2008, and was rejected. The High Court dismissed the writ petition filed by the appellant by observing that he does not have an enforceable right for consideration of degree of Ph.D and the issue raised by him does not call for interference under Article 226 of the Constitution.

It is not in dispute that in terms of Regulations 1, 2 and 3 of the Panjab University Calendar Volume-II, 1995 (for short ‘the Regulations’), the appellant’s case was required to be considered by the Research Degree Committee on

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being recommended by the Faculty of Law. It is also not in dispute that the appellant's case was not considered by the Faculty of Law for the purpose of being recommended to the Research Degree Committee. The High Court overlooked this patent illegality in the rejection of the appellant's application and summarily dismissed the writ petition. In our view, the High Court should have considered the issue raised by the appellant in the light of the Regulations and decided the same on merits. This having not been done, the decision taken in the joint meeting of the Academic Committee and Administrative Committee as also the order passed by the High Court cannot be sustained.

In the result, the appeal is allowed, impugned order rendered by the High Court is set aside and it is directed that the appellant's application for enrolment for the degree of Doctor of Laws shall be considered by the Faculty of Law and, thereafter, by the Research Degree Committee. This exercise must be completed within three months from the date of receipt of copy of this order by the University.

[B.N. AGRAWAL]J.

[G.S. SINGHVI]J.

New Delhi,
February 16, 2009.