



**IN THE HIGH COURT OF MADHYA PRADESH**

**AT INDORE**

**BEFORE**

**HON'BLE SHRI JUSTICE VIVEK RUSIA  
&  
HON'BLE SHRI JUSTICE JAI KUMAR PILLAI**

**ON THE 9<sup>th</sup> OF SEPTEMBER, 2025**

**WRIT PETITION No.35697 of 2025**

**MAKRAND SAMVATSAR**

*Versus*

***THE STATE OF MADHYA PRADESH AND OTHERS***

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**Appearance:**

***Shri Nitin Singh Bhati - Advocate for the petitioner.***

***Shri Bhuwan Gautam – Government Advocate for  
the respondent No.1/State.***

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**ORDER****Per: Justice Jai Kumar Pillai:**

This writ petition is filed under Article 226 of the Constitution of India for issuance of writ in the nature of mandamus challenging the order dated 24/01/2025 (Anexure-P/1) cancelling the Ph.D. registration of petitioner as Research Scholar meaning thereby refusing to accept the Ph.D. thesis of the petitioner on the ground of “Automatic Lapse of Registration” under Ordinance No.18 (Doctor of Philosophy) of Devi Ahilya Vishwavidyalaya, Indore. The petitioner has also challenged the Constitutional validity of Ordinance No.18 (Doctor of Philosophy) of Devi Ahilya Vishwavidyalaya, Indore (for brevity “DAVV”) to the extent it mandates automatic lapse of Ph.D. registration without provision for extension or condonation, arbitrary, unconstitutional and *ultra vires* to U.G.C. Regulation.

**Facts in nut shell, are as follows :**

2. The petitioner is a resident of Indore and respondent No.1 is State and respondents No.2 to 4 are the personnel of DAVV University imparting education. The petitioner completed his M. Tech. in the year 2007 with 80% marks,



thereby fulfilling eligibility for admission to the Ph.D. programme in Computer Science at DAVV, Indore. In February—March, 2014, the petitioner appeared in the Doctoral Entrance Test (DET) conducted by the University and cleared the said test. In April 2014, the petitioner has cleared the interview, placed in the merit list and was granted provisional admission and was given registration to the Ph.D. programme on 24/09/2015. Petitioner was allotted respondent No.4 – Dr. Priyesh Kanungo as Supervisor/Guide under whose guidance and supervision petitioner was supposed to pursue Ph.D. Thereafter, petitioner successfully completed the prescribed Ph.D. course work and became eligible to proceed with research in accordance with the Ordinance.

3. The case of petitioner is that his subject was “EFFECTIVE SCHEDULING MECHANISM IN CLOUD COMPUTING ENVIRONMENT USING VIRTUALIZATION TECHNIQUE” and due to detailed research and extraordinary time taken in fulfilling research, petitioner could not complete his Ph.D. in time i.e. on 24/09/2019, owing to personal and academic circumstances requiring additional time, the petitioner duly re-registered by the University to continue and complete the same



research work. The petitioner's synopsis was duly approved by the Competent Research Committee/Research Degree Committee, thereafter the petitioner commenced substantive research on the approved topic. During the course of research, the petitioner consistently progressed and published more than 20 research papers in peer-reviewed/UGC-approved journals and delivered over 25 presentations at National and International Conferences/Seminars.

4. On 03/10/2022, the petitioner successfully conducted his pre-Ph.D. presentation and the feed-back received therein was incorporated in his research work. Between 2022 and 2024, the petitioner completed his thesis, obtained plagiarism clearance and regularly complied with all administrative requirements including payment of University and Library fees. It has been contended that the petitioner is the sole earning member of his family and there are dependents including a mentally retarded sister, wholly reliant upon him and in order to focus on his Ph.D. thesis, he left his employment resulting in financial strain.

5. On 09/01/2025 the petitioner submitted a representation to the Vice-Chancellor seeking permission to submit thesis which was duly received by the University on



10/01/2025 thereafter petitioner also submitted application under Right to Information but of no avail. Therefore, being aggrieved by the impugned order of cancellation dated 24/01/2025, the petitioner has filed this Writ Petition.

6. In this writ petition, the petitioner has prayed for the following reliefs :-

i. To quash and set aside the impugned order dated 24.01.2025 (Annexure P/1) passed by Respondent No. 3 — University rejecting the petitioner's request for submission of thesis.

ii. Declare Ordinance No. 18 (Doctor of Philosophy) of Devi Ahilya Vishwavidyalaya which was repealed by ordinance 11, Indore, to the extent it mandates automatic lapse of Ph.D. registration without provision for extension or condonation, as arbitrary, unconstitutional, and *ultra vires* the UGC Regulations.

iii. Direct the Respondents, to consider the case of petitioner sympathetically particularly Respondent No. 4 — School of Computer Science & Information Technology, DAVV, to accept the petitioner's completed Ph.D. thesis, process the same for evaluation, and conduct viva-voce examination in accordance with law.

iv. Pass any such further or other order as this Hon'ble Court may deem just, proper and equitable in the facts and circumstances of the present case"

**SUBMISSIONS :**

7. Shri Nitin Singh Bhati, learned counsel appearing on behalf of the petitioner contended that the impugned order dated 24/01/2025 (Annexure-P/1) rejecting the petitioner's claim for thesis submission is arbitrary, mechanical and suffers from non-application of mind and the respondents have treated the matter as a mere technical lapse without considering the petitioner's substantive compliance with all academic requirements and his long-standing research efforts, therefore, the impugned order dated 24/01/2025 (Annexure-P/1) is bad in law, which proceeded on the basis of Ordinance No.18, which had already stood repealed by Ordinance No.11 (Doctor of Philosophy), 2022 with effect from 07/11/2022. It is stated by counsel for the petitioner that once the Ordinance No.18 was repealed, there was no legal foundation for rejecting the petitioner's request under its provisions. It has been asserted by the petitioner that the reliance on a non-existent Ordinance reveals total non-application of mind and arbitrariness, thus, the impugned order is therefore, vitiated not only by arbitrariness but also by lack of jurisdiction, since it relies on a repealed provision which ceased to have legal force.



8. It is further contended by the petitioner that he has successfully completed course-work obtained approval of his synopsis undergone re-registration cleared plagiarism check conducted a pre-Ph.D. seminar published research papers and finally prepared his thesis. Once such substantial compliance exists, the refusal at the stage of formal submission amounts to denial of a vested academic right and is wholly unjust.

9. It is also argued that the respondents by re-registering the petitioner in 2019 permitted him to continue research accepting his fees regularly and conducting his pre-Ph.D. presentation in 2022 and issued plagiarism clearance and created a legitimate expectation that the petitioner would be allowed to complete the final stage of his Ph.D. programme, hence, rejection after such recognition of progress violates the doctrine of legitimate expectation. Shri Bhati further stated that the doctrine of proportionality is violated since rejection of the thesis extinguishes more than a decade of academic effort and *bonafide* research work on a mere technicality of lapse of time and the harm caused to the petitioner is irreparable and far outweighs any regulatory interest of the University.

10. Learned counsel for the petitioner submits that the



impugned order is non-speaking and has been passed without granting the petitioner an opportunity of hearing and the respondents are failed to consider the petitioner's representation dated 09/01/2025 on its merits, which is a violation of the principles of natural justice.

**11.** The submission of counsel for the petitioner is that the impugned action also causes severe personal and financial hardship to the petitioner, who is the sole bread winner of his family and caregiver of a dependent sister. Denial of thesis submission at this stage *jeopardises* his career prospects, employment opportunities and academic reputation, thereby inflicting irreparable injury, therefore, in the interest of justice, the impugned order 24/01/2025 passed by Vice Chancellor, DAVV, Indore deserves to be quashed by allowing this Writ Petition.

**APPRECIATION AND CONCLUSION :**

**12.** We have heard the learned counsel for the petitioner at length and perused the record meticulously.

**13.** To appreciate the Ordinance framed by DAVV, Indore, it is quite important to quote Ordinance No.18 (Doctor of Philosophy) Clause 20 (a), which is as under :-





“20. (a) The candidate shall pursue his research at the approved place of research under the Supervisor/Co-supervisor on the approved subject. The candidate shall be permitted to submit his/her thesis not earlier than 24 months and not later than four calendar years, from the date of registration. In case a candidate does not submit his/her thesis within four calendar years from the date of registration and does not apply for extension in time, his/her registration shall stand automatically cancelled.

Provided that the period for submission of thesis can be extended by one year by the Kulpati, if he/she applies for extension at least one month before the expiry of registration period together with a prescribed fee. In case the candidate does not submit his/her thesis within the extended period his/her registration stand automatically cancelled.

Provided also that, Kulpati may permit a candidate to get registered on the same topic on payment of re-registration fee. The minimum period of 24 months and attendance shall not apply to such reregistered candidates.”

**14.** Thus a plain reading of Ordinance 18, goes to show that a candidate has to submit his thesis not earlier than 24 months and not later than 4 Calendar years. Meaning thereby, the petitioner was required to submit his thesis within 4 Calendar year from his registration i.e. from



24/09/2015 (Annexure-P/2). Admittedly, petitioner did not do so, further there is no document to substantiate that the petitioner has invoked the aid of first proviso to Clause 20(a) of the Ordinance 18 requesting the Vice Chancellor / Kulpati for an extension by 1 year to submit his thesis.

**15.** It is an admitted position that the petitioner could not submit his thesis even in his extended period of 1 year as provided under first proviso to Clause 20(a) of Ordinance No.18.

**16.** Since he did not avail the said extension, the contention of petitioner that the Vice Chancellor / Kulpati has wrongly rejected his request for submission of his thesis vide order dated 24/01/2025 (Annexure/P-1) on the ground of automatic lapse of registration under Ordinance 18 is illegal, arbitrary, mechanical, is also misconceived and misplaced, as a plain reading of first proviso to Clause 20(a) of Ordinance 18 clearly spells out that a candidate who does not submit his/her thesis within extended period i.e 1 year from the date of extension, in such cases his/her registration stands automatically cancelled. Thus, there is no infirmity in passing the order dated 24/01/2025 (Annexure-P/1) by the Vice-Chancellor / Kulpati.

**17.** The petitioner after being disqualified under the said



first proviso Clause 20(a) of Ordinance 18 has now made an attempt to challenge Ordinance 18 at his convenience, which cannot be permitted at later stage.

**18.** The petitioner was well aware of Ordinance 18 under which he prosecuted his Ph.D. by registering himself and thus, now he cannot be allowed to set the clock back by questioning / challenging the clauses incorporated under the said Ordinance 18.

**19.** In catena of Judgments Hon'ble Apex Court has restricted interference in legislative *vires* challenges particularly through judicial review, unless the same is absolutely arbitrary or violate fundamental Constitutional principles.

**20.** In the case of **Supreme Court Employees' Welfare Assn. v. Union of India(1989) 4 SCC 187** the Hon'ble Apex Court held that the validity of a subordinate legislation is open to question if it is *ultra vires* the Constitution or the governing Act or repugnant to the general principles of the laws of the land or is so arbitrary or unreasonable that no fair minded authority could ever have made it. It was further held that the Rules are liable to be declared invalid if they are manifestly unjust or oppressive or outrageous or directed to be unauthorised



and/or violative of the general principles of law of the land or so vague that it cannot be predicted with certainty as to what it prohibited or so unreasonable that they cannot be attributed to the power delegated or otherwise disclose bad faith. Also in the case of **State of Tamil Nadu and another vs. P. Krishnamurthy and others (2006) 4 SCC 517**

wherein it has been held at para 15 as follows :-

“15. There is a presumption in favour of constitutionality or validity of a subordinate legislation and the burden is upon him who attacks it to show that it is invalid. It is also well recognized that a subordinate legislation can be challenged under any of the following grounds.

- (a) Lack of legislative competence to make the subordinate legislation.
- (b) Violation of fundamental rights guaranteed under the Constitution of India.
- (c) Violation of any provision of the Constitution of India.
- (d) Failure to conform to the statute under which it is made or exceeding the limits of authority conferred by the enabling Act.
- (e) Repugnancy to the laws of the land, that is, any enactment.



(f) Manifest arbitrariness/unreasonableness (to an extent where the court might well say that the legislature never intended to give authority to make such rules).”

**21.** This Court has also dealt with the submission of the appellant that Ordinance 18 has stood repealed by Ordinance 11 which has been notified by the UGC in his Official Gazette on 7th November 2022. On going through the said Ordinance 11, it is crystal clear that by coming into force of the said ordinance the earlier Ordinance 18 stood repealed but the fact remains that the said Ordinance would not apply in the case of the petitioner, as he registered himself in 2015, before coming into force of Ordinance 11 and that being so the conditions governing Ordinance 18 would be applicable in the case of the petitioner in *toto*.

**22.** Suffice is to add that now the petitioner can only be eligible to complete his Ph.D. strictly as per Clause 17 of Ordinance 11, which reads as under :-

**17. Duration for Completion the Ph.D.:**

The candidate shall put in at least 200 days attendance after completing course work in the Institution concerned or with the Supervisor.



The candidate shall be permitted to submit his/her thesis not earlier than three years and not later than six Calendar years, from the date of registration. In case a candidate does not submit his or her thesis within 6 Calendar year from the date of registration and does not apply for re-registration in time his or her registration shall stand automatically cancelled.

Provided that Vice Chancellor may permit a candidate to get re-register on the same topic on payment of re-registration fee. The minimum period of 3 years and attendance shall not apply to such registered candidate. A maximum of an additional 2 years can be given through a process of re-registration, provided however, that the total period of completion of Ph.D. programme should not exceed 8 years from the date of registration in the Ph.D. programme.”

**23.** No other points or arguments have been advanced by learned counsel for the petitioner to set-out his case on merits.

**24.** For all the forgoing reasons and in the conspectus of facts and circumstances of the case, no manifest illegality, procedural impropriety or palpable perversity is reflected in the impugned order dated 24/01/2025 (Annexure-P/1). No cogent ground has been pointed out by counsel for the appellant/writ petitioner to show indulgence, therefore, we find



no merits in the writ petition to call for any interference in the order impugned, accordingly, in absence thereof, the writ petition *sans merit* and is hereby **dismissed**.

There shall be no order as to cost.

**(Vivek Rusia)**  
**Judge**

**(Jai Kumar Pillai)**  
**Judge**

**Aiyer\***