



2024 : DHC : 4001



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4152/2022

**AKHILESH RAWAT & ANR.** ..... Petitioners

Through: Ms. Tara Narula, Mr. Maanav  
Kumar and Mr. Anirudh Ramanathan, Advs.

versus

**JAWAHARLAL NEHRU UNIVERSITY & ORS..** Respondents

Through: Ms. Mrinmayee Sahu, Mr.  
Sandeep Kumar Mahapatra and Mr.  
Tribhuvan, Advocates for Respondents 1  
and 2

Respondent 4 in person

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**ORDER**

**15.05.2024**

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**CM APPL. 29166/2024 (For recall of order dt. 29 February 2024)**

1. This is an application by Prof. Rajeev Kumar, who was originally Respondent 4 in this writ petition and was deleted from the array of parties by order dated 11 March 2022. The application does not dispute the fact that he was immediately informed about the order dated 11 March 2022 and was well aware of the said order during the pendency of the proceedings in the writ petition. He, however, never chose to challenge the said order and allowed the writ proceedings to continue after his name had been deleted from the array of parties.



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2. Now, after the writ petition has been disposed of by order dated 29 February 2024, the applicant seeks to effect a re-entry by means of the present application, which seeks recall of the said order.

3. This Court queried of the applicant as to how, having full consciousness of the fact that his name had been deleted from the array of parties by a judicial order passed by this Court and having not chosen to challenge the said order, he could maintain the present application.

4. The applicant's response is that the deletion of his name did not affect his rights, but that the final order which has come to be passed in the writ petition does affect his rights.

5. This submission of the applicant cannot be accepted.

6. The writ petition was directed against a communication dated 14 January 2022 issued by the Chairperson, MTech./PhD Advisory-cum-Coordination Committee of the School of Computer & System Sciences (SC & SS) in the Respondent 1 Jawaharlal Nehru University (JNU). The said order read thus:

“From: Zahid Raza <[zahidraza75@gmail.com](mailto:zahidraza75@gmail.com)>

Date: Fri, 14 Jan 2022 at 7:02 PM

Subject: Regarding your PhD Supervisor

To: Akhilesh Rawat, Om Prakash

Cc: DEAN SCSS, Rector I, Rector II, Director Admissions, DR,



SO SCSS

Dear Mr. Akhilesh Rawat and Mr. Om Prakash,

This is with reference to your request to pursue your PhD under the supervision of Prof. Rajeev Kumar. The matter was placed for consideration by the University. In this regard, the competent authority of the University has decided that, as per the university circular dated March 05, 2018, a teacher cannot be Supervisor for PhD who is left with less than 03 years for superannuation. The decision further mentions that Prof. Rajeev Kumar cannot be your PhD supervisor. However, Prof. Rajeev Kumar may continue as your Co supervisor as per the PhD Ordinance.

In view of the above, you are required to suggest the name of the Supervisor under whom you wish to pursue your PhD.

Best

Dr. Zahid Raza,  
Chairperson, MTech/PhD Coordination cum Advisory  
Committee of SC&SS”

**7. The prayer clause in the writ petition was as under:**

“In the facts and circumstances of the instant case and the grounds above, it is most respectfully prayed that this Hon’ble Court may be pleased to:

(i) Issue an appropriate writ setting aside/ quashing the Impugned Letter dated 14.01.2022 issued by Respondent No.3, Impugned Decision by the Rector confirming the same on 28.02.2022 (the decision was orally communicated to the Petitioners and no copy of the Order was provided), as being illegal, arbitrary, unreasonable, and violative of the JNU's Academic Ordinances;

(ii) Issue an appropriate writ directing the Respondents to allow the Petitioners to continue their Ph.D. with the Respondent No.4 as their Research Supervisor;

(iii) Pass any such further orders as this Hon’ble Court may deem fit in the facts and circumstances of the instant case and / or in the interest of justice.



**AND FOR THIS ACT OF KINDNESS THE PETITIONERS  
SHALL AS IN DUTY BOUND FOREVER PRAY”**

**8.** As such, it is clear that the communication dated 14 January 2022, impugned in the writ petition clearly did not permit the continuance of the present applicant Prof. Rajeev Kumar as the supervisor of the petitioners, in view of the decision taken by the JNU that a teacher, who has less than three years of superannuation, cannot be a supervisor of a PhD student.

**9.** The prayer in the writ petition was to set aside the said order and to permit the applicant Prof. Rajeev Kumar to continue as the petitioners’ supervisor.

**10.** Prof. Rajeev Kumar’s contention is that as his rights were not affected by the prayers in the writ petition, he allowed the deletion of his name from the array of parties to remain unchallenged. In fact, this contention also finds mention in para 3 of the present application, which reads thus:

“3. Since the Applicant's right was not affected by deleting his name from the array of parties, vide interim order dated 11.03.2022 (Annexure A-2). Therefore, the Applicant thought it fit not to challenge the interim order dated 11.03.2022. However, due to the final order passed by this Hon'ble Court, which amounts to fraud played by both Petitioners and contesting Respondents by concealing the relevant facts from this Hon'ble Court, the Applicant thought it fit to challenge the final order dated 29.02.2024 vide this Application.”

**11.** Thus, it is an acknowledged position, by the applicant, that he was not affected one way or the other, irrespective of whatever may



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have been the outcome of the prayer in the writ petition and of the challenge to the email dated 14 January 2022. Expressed otherwise, the applicant has acknowledged, in para 3 of the present application, as well as during oral submissions in Court, that the issue of whether he was entitled, or not entitled, to continue as PhD supervisor of the petitioners, did not affect him one way or the other, which is why he did not choose to challenge his deletion from the array of parties in the writ petition.

**12.** The order dated 29 February 2024 by which the present writ petition was disposed of, of which the applicant seeks recall, was passed by consensus among the surviving parties in the writ petition. By the said order, Prof. D.K. Lobiyal, who was co-supervisor of the petitioners, was permitted to take over as the petitioners' supervisor in place of Prof. Rajeev Kumar, the applicant.

**13.** Prof. Rajeev Kumar now seeks to contend that Prof. D.K. Lobiyal could not be allowed to take over as the petitioners' supervisor and that he should be allowed to continue as the petitioners' supervisor.

**14.** Having acknowledged, in para 3 of the present application, that the outcome of the prayer in the writ petition would not affect him one way or the other, it cannot lie in the mouth of the applicant now to urge, after the writ petition has been disposed of, that he should be permitted to continue as the petitioners' supervisor. That was the precise prayer of the petitioners in the writ petition.



**15.** Nonetheless, as the applicant appears in person, I deemed it appropriate to allow him to ventilate his exact grievance before this Court.

**16.** Having heard the applicant, it appears, with great respect to him and his academic erudition, that he seems to be harbouring certain imaginary grievances. He submits that there is every possibility of the PhD thesis of Petitioners being released in the name of Professor D.K. Lobiyal, showing him as a Supervisor. There is no basis for this apprehension. In fact, the petitioners, as well as Mr. Mahapatra, learned Counsel for the JNU, have pointed out that Petitioner 1's draft thesis, which Prof. Rajeev Kumar has placed on record as Annexure A-5, clearly shows Prof. Rajeev Kumar as the Supervisor and Professor D.K. Lobiyal as Co-supervisor.

**17.** There is, therefore, clearly no basis for Prof. Rajeev Kumar's apprehension that he would not be reflected as the Supervisor of the thesis of Petitioner 1.

**18.** The thesis of Petitioner 2 has also been placed on record by Prof. Rajeev Kumar as Annexure A-6 and in the said thesis, too, Prof. Rajeev Kumar is shown as the Supervisor.

**19.** There is, therefore, no justification whatsoever for the apprehension that Prof. Rajeev Kumar is harbouring.



**20.** Prof. D.K. Lobiyal was allowed to continue as the petitioners' Supervisor only because, according to the JNU, a Professor who has less than three years for superannuation could not continue as a supervisor. Without entering into the correctness of this stand, the petitioners and the JNU together agreed that the remaining supervision of the petitioners' thesis could be done by Prof. D.K. Lobiyal. That decision does not affect the present applicant in any way, inasmuch as he continues to be reflected as Supervisor of both the petitioners in their theses.

**21.** Absent any personal prejudice, the petitioner has no *locus standi* to seek a reconsideration of the consent order dated 11 March 2022.

**22.** There is, therefore, no justification for the applicant seeking to revive these proceedings.

**23.** At this juncture, Prof. Rajeev Kumar intercedes to submit that it was not his contention that he should be permitted to continue as the Supervisor of either of the petitioners.

**24.** If that being so, this application is even more misconceived. This Court has not stated anything about who should be the supervisor on the theses submitted by the petitioners. As Prof. Rajeev Kumar has no grievance with Prof. D.K. Lobiyal continuing as the Supervisor of the petitioners, I fail to understand why he has taken the trouble to move this application.



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25. This application is thoroughly misconceived and is accordingly dismissed.

**CM APPL. 29167/2024, CM APPL. 29168/2024 and CM APPL. 29169/2024**

26. These applications do not survive for consideration and stand disposed of.

**C.HARI SHANKAR, J**

**MAY 15, 2024**

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*[Click here to check corrigendum, if any](#)*