# IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 10th OF MARCH, 2026

WRIT PETITION No. 30264 of 2025

*AMIR AZAD ANSARI*

*Versus*

*PT. DWARKA PRASAD MISHRA INDIAN INSTITUTE OF INFORMATION TECHNOLOGY DESIGN AND MANUFACTURING JABALPU AND OTHERS*

Appearance:

*Shri Takmeel Nasir - Advocate for the petitioner.*

*Shri Veer Vikrant Singh- Advocate for respondents.*

ORDER

*Per. Justice Vivek Rusia*

The petitioner has filed this present petition challenging the order dated 15.05.2025 (Annexure P-1) and order dated 23.05.2025 (Annexure P-2), whereby the Ph.D programme of the petitioner has been cancelled under Point No.14(b)(iv) of the Ph.D Manual.

2. The petitioner got admitted to the Ph.D (M.E) in the respondent/University on 05.05.2022. The respondent no.1 is the University established by the Central Government, which is treated as "State" within Article 12 of the Constitution of India, hence amenable to the writ jurisdiction. The petitioner was sent an email regarding his poor performance as well as unauthorised absence. Thereafter, the matter was taken up by the

Discipline Post Graduate Committee (DPGC), which had evaluated the performance of the petitioner on 11.04.2025 and took a decision to terminate the Ph.D programme. Before taking such a decision, a report sent by Guide/Supervisor- Dr Prashant K Jain was also considered. Initially, vide letter dated 15.05.2025, the Assistant Registrar, with the approval of the competent authority, has terminated the Ph.D programme of the petitioner under Point 14(b)(iv) on an allegation of absence without authorised leave for a major part of the semester. Thereafter, the corrigendum dated 23.05.2025 has been issued, levelling another allegation of unsatisfactory academic performance and research progress. Being aggrieved by the aforesaid order, the petitioner preferred a representation and approached this Court by way of the present petition.

**3**. The respondents have filed their reply justifying the impugned action. According to the respondent, the petitioner has a remedy of appeal under Point 14(c) to the Chairperson of the Senate committee for reconsideration of the issue; therefore, the petition is not maintainable for want of a remedy of appeal.

**Appreciation & Conclusions**

**4**. The petitioner has challenged the impugned orders *inter alia* on the ground that before terminating the Ph.D programme, no opportunity of hearing was given to the petitioner. The petitioner has justification to show that there was no unauthorised absence as well as academic performance was not poor. In reply, there is also no averment that, before the passing of impugned orders filed Annexure P-1 and Annexure P-2 any opportunity of

hearing was given. Learned counsel for the respondent submits that the petitioner was sent an email and an explanation was called vide e-mail dated 29th July, 2024 filed as Annexure -I along with the reply. The e-mail, send to the petitioner does not show the intention of the respondent about proposing action of terminate the Ph.D programme; hence, this justification has no substance.

5. Learned counsel for the respondent also submits that the petitioner was given a personal hearing before taking any action. We are of the considered opinion that before taking the impugned action of termination of the Ph.D programme, a proper show-cause notice should have been issued, calling upon reply/explanation, and if any disputed questions of facts are involved in respect of allegations as contemplated in Point 14, then opportunity to lead evidence should be given.

6. The Ph.d. Programme of any student is liable to be terminated in violation of conditions enumerated in Ph.D Manual in Point 14, which is reproduced as under:-

"**14. Inadequate Academic Performance and Termination of Programme** -

A student who is not able to get the requisite CPI of 7.0 or got an “X” grade in the progress seminar is considered a deficient student:

a) A deficient student may be allowed to continue in the programme, by issuing a warning, if

i) Her/ his CPI at the end of the first semester is below 7.0 but more than 6.5. Such student has to fulfill the requirement of minimum CPI of 7.0 at the end of II semester

**OR**

ii) She/ he gets an “X” grade in the progress seminar.

b) The programme of a Ph.D. student will be terminated, if

i) Her/ his CPI at the end of the first semester is below 6.5

**OR**

ii) Her/ his CPI at the end of the second semester is below 7.0

**OR**

iii) the RPC of the student recommends “X” grades in the progress seminar for two consecutive semesters. In such a case the student will have an option to change the supervisor and submit a request for the change of supervisor to the Chairperson Senate with the consent of the new supervisor. The Chairperson Senate will form a committee to review the case and the committee will submit its report to the Chairperson Senate. The Chairperson Senate will be the final authority to take the decision for the continuation of the programme of the program. If the Chairperson Senate accepts the appeal, the old supervisor will not have any claim on the work done by the student. (Modified in the 46th Senate meeting)

**OR**

iv) is absent without authorized leave for a major part of the semester

**OR**

v) involves herself/ himself, in indisciplinary act, in violation of the code of conduct, and Students Advisory Committee of Senate makes a recommendation to that effect. Such students will be required to leave the Institute with immediate effect without getting any degree.

c) A student whose programme is either terminated on account of inadequate academic performance or terminated otherwise has the right to appeal to the Chairperson, Senate for reconsideration through the Dean Academic with a justified reason for her/his poor academic performance.

d) The Senate shall take a final decision after considering all the available inputs. However, the Senate shall not entertain any further appeal for review unless substantial additional information is brought to its notice."

7. Therefore, before taking any decision of termination, the fact-finding enquiry should have been done to fulfil the requirement of the principles of natural justice. Until and unless such an inquiry is conducted and a decision is taken, the remedy of appeal cannot be said as effective

remedy. By sending an email or direction to appear before the Committee without showing intent to terminate the Ph.D programme, cannot be said to be compliance of the principle of natural justice. Therefore, the impugned action is unsustainable. Accordingly, this petition is allowed and the impugned order dated 15.05.2025 (Annexure P-1) and order dated 23.05.2025 (Annexure P-2) are quashed. The respondents shall be at liberty to take action in accordance with law.

**(VIVEK RUSIA)**
**JUDGE**

**(PRADEEP MITTAL)**
**JUDGE**

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