

DR. NARINDER SINGH POONIA

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v.

UNION OF INDIA AND ORS.

DECEMBER 9, 1996

[K. RAMASWAMY AND G.T. NANAVATI, JJ.]

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*University—Research project—Guidelines and conditions for—Appellant conducted research—Suspension of scholar—Termination of project by Government—Challenge—Held being a disputed question, the matter cannot be decided in the appeal—It would be for the Government of India to take the decision in that behalf—Liberty given to the appellant to approach the Union of India and apprise them of the position with regard to his research—If the Government is satisfied, appropriate time may be given to the appellant for completing the project.*

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CIVIL APPELLATE JURISDICTION : Civil Appeal No. 16862 of 1996.

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From the Judgment and Order dated 20.10.95 of the Madhya Pradesh High Court in W.P. No. 1349 of 1995.

In-person for the Appellant.

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A.K. Chitale, Niraj Sharma and S.N. Terdol for the Respondents.

The following Order of the Court was delivered :

Leave granted.

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This appeal by special leave arises from the judgment of the Division Bench of the Madhya Pradesh High Court, Indore Bench, made on October 25, 1995 in W.P. No. 1349/95. In this case, we are not concerned with the controversy between the appellant and the University as to why the latter kept the former under suspension etc. We are concerned with the legality of the termination of the project entitled "Chemical, Physico-Chemical, Structural and theoretical investigations of alkali and alkaline earth cation systems-Chemistry of use to biological and geological processes" on which the appellant was conducting research. The Government of India in their order had put one of the conditions for completion of project,

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A i.e., condition No. XIII which reads as under :

"The Dept. of Science and Technology reserves the right to terminate the grant at any stage if it is convinced that the grant has not been properly utilised or appropriate progress is not being made."

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It would appear that there was some dispute between the appellant and the University, Devi Ahilya University, Indore. In this behalf, we are not concerned therewith, though the appellant sought to place before us that he was not at fault and on the other hand, the University was at fault in preventing him to complete the project. Notice was issued by this Court to the Union of India. Dr. R.C. Srivastava, Director in the Ministry of Science and Technology has filed an affidavit in which he has stated in paragraph 10 of the counter-affidavit thus :

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On 16.9.94, the Registrar has sent the information through courier service the current status of the project and facts at that time. Prof. Poonia PI, the appellant herein was still under suspension and Dr. Bajpai Co-PI had refused to undertake the financial and management responsibility of the Project. Under those circumstances and as per our DST Norms/Guidelines the Project was terminated by the Department on 22.9.94 at that stage and requested University to submit and settle the final expenditure on the project and to return unspent balance to DST if any and final Technical Report."

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In view of this report, we think that it being a disputed question, we cannot decide the matter in the appeal. Under these circumstances, liberty is given to the appellant to approach the Union of India and apprise them that he did the research in the project as per the guidelines and made necessary progress; and if it is not so, to give the reasons therefor. If the Government is satisfied, appropriate time may be given to the appellant for completing the project. It would be for the Government of India to take the decision in that behalf.

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The appeal is accordingly disposed of. No costs.

T.N.A.

Appeal disposed of.