

**BEFORE THE HON'BLE CHAIRPERSON, H.P. PRIVATE EDUCATIONAL
INSTITUTIONS REGULATORY COMMISSION SHIMLA-171002.**

Case No: 5 of 2014

Date of filing complaint: 18.12.2014

Date of decision: 31.03.2016

Ms. Shweta Thakur, Ph.D (Physics) Shoolini University, Solan (HP).

... Complainant

Versus

Shoolini University, Solan through its Registrar Prof. Sunil Puri.

... Respondent

Present: Ms. Shweta Thakur (complainant) in person.

Prof. Sunil Puri Registrar and Dr. Neeraj Mahindroo Dean Research and Development on behalf of the respondent University.

ORDER

1. Ms. Shweta Thakur, submitted a complaint dated 18.12.2014 to the H.P. Private Educational Institutions Regulatory Commission (Commission) wherein she outlined the background of the case in which she is seeking relief as under:

(a) Ms. Shweta Thakur is registered as PHD-11-D-02 Ph.D. Physics student in Shoolini University and joined the University in August, 2011. Initially Dr. Atul Thakur was her Ph.D. Guide, whose wife Dr. Preeti Thakur is Associate Professor in School of Physics in the aforesaid University. Ms. Shweta Thakur had been assigned the duties of looking after baby of Dr. Atul Thakur besides performing official duties in his place. From the date of joining, Dr. Atul Thakur never discussed any research problems and future prospects, as such she had no other option but to sit almost alone in lab daily in odd hours only to complete personal work of Dr. Atul Thakur.

(b) The complainant apprised above problem to Dr. Sunil Puri, Dean Basic Sciences on 9.11.2012 for change of her guide, however Dr. Puri advised her to continue with Dr. Atul Thakur. Father of complainant also met Dr. Sunil Puri and explained the whole matter to him. Despite this, her guide continued treating her badly and assigned her the duties of invigilation in

final examination on 20th December, 2012 from 11.00 AM to 2 PM in place of his wife, during which the complainant fainted and was treated in University's Health Centre where after she was referred to City Hospital Solan. She also met Mrs. Saroj Khosla, President, Foundation Committee of Shoolini University and apprised her of all the problems. Written complaint was also made to the Commission and Vice Chancellor of the respondent University on 24.12.2012.

- (c) The complainant stated that she was Junior Research Fellow of TBRL-DRDO Project titled "Fabrication and Characterization of Substrate for Patch Antenna by Using Magneto-Dielectric Material For Missile Application" but she had to resign from the assignment on 23.01.2013 for the reason "Mental harassment by Dr. Atul Thakur, HOD School of Physics" as mentioned in her letter dated 23.1.2013.
- (d) The University, however, accepted the request of complainant and Dr. Radheshyam Rai was appointed her new guide. However, since Dr. Atul Thakur was Head of Physics Department and all the applications submitted by the complainant for getting facilities were required to be routed through him, hence every time Dr. Atul Thakur used to say that the applications were misplaced. Dr. Atul even refused to sign her synopsis but with the intervention of Dr. Deepak Pathania (HOD Chemistry Department) he agreed to sign the synopsis but three weeks were wasted.
- (e) The complainant finally published a research paper titled "Structural Characterization and Magnetic Study of NiFe_xO_4 by co-precipitation Method" in international Journal Materials Letters Volume 139, Page 368-372. But in order to take revenge and to satisfy his ego, Dr. Atul Thakur filed a written false complaint in the University alleging that complainant had copied his data for her research paper. The respondent constituted a Committee to enquire into the matter. The complainant had submitted all raw data related to her research paper to the Committee. But since the Committee members were not conversant with the subject matter to be enquired into, the Committee could not appreciate the document/ raw data placed before it, as such it could not arrive at a correct and reasonable conclusion resulting into wrong findings. The

Committee should be comprised of some experts associated, who could have given his independent and correct findings after going through the contents of all documents produced by the complainant and Dr. Radheshyam Rai. The Committee in its report dated 19.11.2014 has observed that no document has been produced by either of the parties.

- (f) The complainant has stated that she had worked on the same topic when she was registered under Dr. Atul Thakur for Ph.D. It was her independent idea and she had submitted the power point presentation regarding this topic to Dr. Atul Thakur through e-mail on 22-10-2012 and now Dr. Atul is using her data and presentations against her.
- (g) Dr. Atul Thakur also lodged a written complaint in Materials Letters Journal when he had no concern with her idea and data, as such lot of inconvenience has been caused by him in completion of her thesis.
- (h) It has further been alleged by the complainant that in order to take revenge, to harass and humiliate the complainant in the society and to create obstacles in completing her thesis, Dr. Atul Thakur has openly threatened that he would not allow her to complete the Ph.D. under the supervision of Dr. Radheshyam Rai and Dr. Thakur is bent upon to spoil her career.
- (i) The complainant has stated that the above are the facts which led to her mental harassment adversely affecting her career.
- (j) The complainant has requested to re-examine the matter and the findings recorded by the earlier enquiry committee against her Guide Dr. Radheshyam Rai be quashed and set aside and new enquiry committee be constituted in which atleast one independent expert of her subject who would be able to appreciate the contentions and documents, so produced by her and she maybe afforded an opportunity to associate/ assist in the enquiry and letter No. SUBMS-Estt/14-909-11 dated 19.11.2014 issued by Register be withdrawn in the interest of justice and fair place, failing which it would lead to multifarious complication in her completing Ph.D.

2. On receiving the complaint, the Commission issued show cause notice to the University on 16.01.2015 and sought reply and also directed the Registrar of the University to appear in person on 11.02.2015 alongwith all relevant records/evidence relevant in the matter. The respondent vide its communication received through FAX requested for adjournment of the case from 11.02.2015, for the reasons stated therein and accordingly case was adjourned to 19.2.2015.

3. On 19.02.2015 Dr. P.K. Khosla (Vice Chancellor), Dr. Sunil Puri (Registrar) and Dr. Neeraj Mahindroo Dean Pharmacy appeared in person. Dr. Sunil Puri, Registrar submitted reply to the show cause notice. Amongst other documents as stated in the reply, the University submitted proceedings of the Committee constituted to go into the charges levelled by Ms. Shweta Thakur. However, copies of the statements recorded during the proceedings were not supplied by the University substantiating the facts stated in the Proceedings.

4. The reply together with documents attached with the same were taken on record. The University was directed to submit copies of statements recorded during the proceedings and to apprise the Commission about the action taken on the report submitted by the Committee. Registrar of the University had stated that the copies of statements and action taken report shall be submitted within a week, as such the time of one week was granted. However, the case was next fixed for 20th March, 2015 for hearing both the parties i.e. University and the complainant. Complainant was ordered to be called for the said date and time. However, the matter was adjourned to 2.4.2015.

5. Though on the request of University the case had been adjourned from 2.4.2015 to 7.4.2015, yet Ms. Shweta Thakur appeared in person on 2.4.2015, as she had not received such notice of adjournment. She was given opportunity of personal hearing. She explained her position in detail. She submitted her written statement in support of her oral submissions, which was taken on record. The case had already been adjourned to 7.4.2015 vide my orders in regular note sheet of the related file. University was called for the above said date and time whereas there was no need to call the complainant, who had already been heard on 2.4.2015.

6. On 7.4.2015 Prof. Sunil Puri Registrar and Dr. Neeraj Mahindroo Dean Research and Development appeared in person on behalf of the University. Dr. Neeraj Mahindroo stated that he was Chairman of the First Committee constituted by the University exclusively to go into the charges levelled by Dr.

Atul against Dr. Radheshyam. In this case Ms. Shweta Thakur's complaint was not the subject of terms of reference of complaint. Prof. Sunil Puri stated that consequent upon the complaint made by Ms. Shweta Thakur, a Committee was constituted under the Chairpersonship of Mrs. Saroj Khosla and consequent upon the findings rendered, the University has issued Order dated 20.2.2015 whereby it has been made clear that Ms. Shweta Thakur shall present her requirements with regard to her Ph. D programme through her supervisor directly to the Dean, Basic Sciences and there shall not be any hindrance in the submission of her Ph. D thesis or any other issues related to her degree programme. In support of their oral statements both the representatives of the University submitted written statement, which was taken on record and the case was reserved for final orders.

7. I have gone through the reply as well as documents/ statements submitted by the respondent to the Commission. In reply it has been stated that:

- (a) Ms. Shweta Thakur Ph.D. student had submitted a representation for change of her guide on 24.12.2012 to the Vice Chancellor. The matter was examined and the Committee had recommended for change of guide. Accordingly guide of complainant was changed and Dr. Radheshyam Rai was appointed her Guide vide order dated 6.2.2013 (copy placed on record).
- (b) Ms. Shweta Thakur submitted her synopsis under the guidance of newly appointed Guide on 2.5.2014 which were immediately approved by the Dean Academic Affairs.
- (c) Ms. Shweta Thakur on 5.8.2014 requested for the extension of eight months for research work as her guide had changed and her research topic had also changed, which request was accepted by the Dean Academic Affairs.
- (d) The complaint regarding publication of unauthorized data in the Journal by Dr. Radheshyam Rai was examined by the University by constituting a Committee, which found no substantial evidence with respect to authenticity of data.
- (e) Ms. Shweta Thakur's research paper publication was not a part of her approved synopsis and she had worked on entirely a different research

problem, as she herself had mentioned in the letter dated 5.8.2014. The research publication submitted by her as co-author was being looked into by the concerned journal.

(f) On receipt of Show Cause notice from the Commission the University constituted a committee and the proceedings were also enclosed with its reply which reads as under:

- “(i). The Committee enquired her about any problems with the smooth conduct of her Ph.D programme since the change of her Ph.D. supervisor in Feb 2013. She denied having any problems since then. She agreed that all the research facilities were available to her for conducting her research work. She also informed that she has almost completed her research work, and she plans to submit the thesis for PhD degree by May,2015. She was also asked if Dr. Thakur has tried to contact her or interfered in her work since the change of supervisor. She informed that except for occasional sanctions regarding her research requirements, she was not in contact with Dr. Thakur directly or indirectly. To this, the Committee assured her that they will recommend to the University authorities to ensure that all her departmental sanctions are made through Dean’s office directly. Also the university had informed the committee that Dr. Atul Thakur is no longer the head of the Physics department and has been replaced by another faculty member.
- (ii). The Committee examined the orders issued by the University and explained to her that the orders were not concerning her and were issued to her supervisor and in no way questioned the scientific authenticity of the work. Warning was issued to Dr. Rai regarding the unethical practices in research. Moreover, the Committee reviewed her PhD synopsis and concluded that the said research paper was not part of her PhD thesis and would in no way affect her Ph.D award.
- (iii). The Committee feels that since the university already enquired into the ethical aspects against which the complaint was made and came up with conclusive recommendation, there is no requirement to re-

conduct the enquiry. Regarding the scientific contents of the research paper, the committee felt that since the matter is already in purview of the editor of the journal in which the paper was published, it would be of no use to re-evaluate the case on University's part. Any such enquiry by university would not affect the journal's decision. The statement of Ms. Thakur to the committee is attached with the report.

In summary, the Committee feels that the issues raised by the complainant are in no way related to the Ph.D degree of Ms. Thakur”

(g) The University has already taken an action and appointed a new Head of the Department in place of Dr. Atul Thakur, hence the contention of Ms. Shweta Thakur that she will not be allowed to complete her Ph.D is wrong as the University had asked Ms. Shweta Thakur to submit her thesis at the earliest.

8. In her statement before the Committee constituted by the University she has categorically impressed upon not to exercise mental pressure on her as the Committee members pressed “termination”. She requested the management to provide her with satisfactory course of plan of the actions the University is planning or executed, in written.

9. In her statement before the Commission she has stressed that University should constitute a Committee of the experts specialised in Physics and neither Dr. Atul nor Dr. Preeti Thakur be made HoD against whom she had made a complaint, as they would be acting in a way detrimental to her future/ career.

10. The representatives of the University have submitted written statement to the Commission wherein Dr. Neeraj Mahindroo Chairman of the First Committee constituted by the University stated that Ms. Shweta Thakur's complaint was not the subject matter to be looked into by the First Committee. However Prof. Sunil Puri Registrar stated that with regard to complaint of Ms. Shweta Thakur, PhD student an order dated 20.2.2015 was passed herein it has been made clear that Ms. Shweta Thakur shall present her requirements with regard to her Ph.D programme through her supervisor directly to the Dean,

Basic Sciences and there shall not be any hindrance in the submission of her Ph.D. thesis or any other issues related to her degree programme.

11. After going through the documents submitted by both the parties and the statements made before the Commission, the following issues emerged:

- (a) Whether the allegations raised by the complainant about threats to undermine the completion of her Ph.D. under Dr. Radheyshyam Rai are substantiated?
- (b) Whether there is need to constitute another Committee to re-examine findings/conclusions against her guide Dr. Radheyshyam Rai?

Findings on Issue No.(a)

The issue of behaviour of Dr. Atul Thakur Ex. HoD Physics is that this student has already been the subject of an inquiry in May, 2013 by which time the guide had already been changed. To minimize/reduce interference as indicated, the University had allowed that requests pertaining to her research work are submitted to the Dean directly. Dr. Atul Thakur's actions in the research work of Ms. Shweta Thakur resulted in the need to change her Guide and in needing more time for research and clearance of synopsis. As a result of this the complainant had to request on 5.8.2014 for extension of 8 months for her research work which request was accepted by Dean Academic Affairs.

It appears that at various stages in the initial phase the progress of the research work had been adversely affected but the University had tried to remedy the situation and create an environment to facilitate the completion of Ph.D. Therefore, no action is warranted on this front. Ms. Shweta Thakur has herself indicated that she intends to complete and submit her Ph.D.

However, it does call for better monitoring mechanisms for those pursuing Ph.D. programmes. RDCs etc. should monitor the nature of progress of Ph.Ds. and the University should ensure that individual biases/needs do not determine the relationship between Ph.D. student and research guide. The University also has a responsibility to ensure that guides/ supervisors do not misuse the relationship of teacher/guide and student.

Findings on Issue No.(b)

The constitution of a new Committee is being asked for to quash findings recorded by an earlier Committee against her superior Dr. Radheysham Rai and has no bearing directly on complainant. Given that the journal is/has been looking into the academic issue this aspect is not relevant from the point of view of complainant. It again is imperative that while doing research the University develops/ implements a clear protocol about procedures related to maintaining research lab logs, including use of equipments, chemicals, glassware in labs etc. as the availability of such information can conclusively demonstrate the conduct of research.

Conclusion:

12. In view of my findings against Issues No.(a) and (b); I am of the firm opinion that the controversy has been resolved, hence the complaint is dismissed. However the University needs to take measures, if not already done, to implement protocols for lab research and to monitor progress of Ph.Ds.

Respondent University be supplied copy of the orders for compliance.

Complainant be supplied copy of the orders, if specifically requested.

This may be hosted on the website of the Commission.

The case file after due completion be consigned to record room.

Sd/-
(Sarojini G. Thakur)
Chairperson