

High Court of Sikkim

Record of proceedings

WP(C) No.60 of 2016

Sikkim Students Welfare Association of Chandigarh and Others **Petitioners**

VERSUS

State of Sikkim & Others

Respondents

Date : 08-10-2020

CORAM : THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE.

For Petitioners Mr. Gulshan Lama, Advocate.

For Respondents

R-1, 2 & 6 Mr. S. K. Chettri, Government Advocate.

R-3 & R-9 Mr. Karma Thinlay, Central Government Advocate.
Mr. Karma Thinlay Gyatso, Advocate.

R-4 Mr. A. K. Upadhyaya, Senior Advocate.
Mr. Sonam Rinchen Lepcha, Advocate.

R-5 None present.

R-7 Mr. Leonard Gurung, Advocate.

R-8 Mr. Karma Thinlay, Senior Advocate.
Mr. Thinlay Dorjee Bhutia, Advocate.

ORDER

Respondents No.4 and 8 have filed their Affidavits dated 06-10-2020 and 03-10-2020 respectively.

It is submitted by Learned Senior Counsel for the Respondent No 4 that the rectified degrees are prepared, however it was not accepted by the Registry.

The Registry informs that in fact the purported degrees were packed in a parcel, which was addressed to Mr. A. K. Upadhyaya, Senior Counsel by the Respondent No.4-University, and this fact was not reflected in the Affidavit of the Respondent No.4 dated 06-10-2020, as a result the Registry was not in a position to accept the parcel.

Having perused the Affidavit filed by the Respondent No.4, it is evident that the Respondent No.4 has only mentioned that they

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have rectified the subject nomenclatures in the mark-sheets to avoid anomalies in the recognized degrees of the Petitioners and issued fresh mark-sheets as per the new subjects. It is evident that they have neither stated that the rectified mark-sheets have been brought to Gangtok or that they intend to file it before the Registry for perusal of the Court or for that matter they seek to hand it over to the Petitioners.

Respondent No.8 by their Affidavit submits that the Respondent No.4 has issued degrees for subjects, i.e., Bachelor of Management Studies (BMS a three year course) and Master of Management Studies (MMS a two year course) for the years 2014 and 2015 when these courses have been notified by the University Grants Commission (UGC) only on 05-07-2014. Therefore, degrees to these courses can be issued only in the year 2017. The Petitioners were admitted in 2011 and completed their courses in 2014, hence the degrees sought to be awarded to the Petitioners in the aforementioned subjects would be invalid degrees, the subjects having been notified later than the admission year of the students.

Considered.

Let the Respondent No.4 file a better Affidavit by Saturday, the 10th day of October, 2020, including therein all relevant details in terms of the statements made out in the Affidavit of the Respondent No.8.

Learned Counsel for the Petitioners also submits that he was unable to file the required Report/Affidavit in view of a family member of one of the Petitioners having taken ill and thereby the inability to obtain his signature. Petitioners may take steps before the next date fixed.

List on 10-10-2020.

Judge
08-10-2020