

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 : 09-11-2020

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 None.

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

R-5 Mr. Manish Kr. Jain, Advocate.

R-7 Mr. Leonard Gurung, Advocate.

R-8 Mr. Thinlay Dorjee Bhutia, Advocate.

ORDER

After hearing Learned Counsel for all parties, it emerges that out of 183 (one hundred and eighty-three) students, 141 (One hundred and forty-one) students have been awarded the correct Degrees of BHMTT (Bachelor of Hotel Management, Travel and Tourism) by the Respondent No.4-University.

From the remaining number of students, 13 (thirteen) students were admitted in different Colleges under the Respondent No.4-University after 05-07-2014. Relevantly, it needs to be mentioned here, as submitted by Learned Counsel for the Petitioners and conceded to by Learned Senior Counsel for Respondent No.4 and Learned Counsel for Respondent No.8-University Grants Commission (UGC), that certain Degrees were denotified by the Respondent No.8 after 05-07-2014 which included the BHMTT

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Course. Despite such denotification, Degrees awarded to the 13 (thirteen) students who took admissions after 05-07-2014 bear the names of denotified Degrees, i.e., BHMTT. Hence, the Degrees awarded to the 13 (thirteen) students are invalid.

The Petitioners thereby seek degrees for the subjects in which they were admitted after 05-07-2014 and completed in 2017.

Conversely, it is argued by Learned Senior Counsel for the Respondent No.4 by walking this Court through its Affidavit dated 05-11-2020 that, the admissions to the Respondent No.4-University for various Courses commenced in the month of February, 2014, when the BHMTT Course was still a subject offered to the students. The denotification took place on 05-07-2014. Hence, the Degrees given to the 13 (thirteen) students even though they were admitted in July, 2014, are valid, as the session in fact commenced in February, 2014, as is evident from the General Notification dated 24-02-2014 (Annexure R/4) filed along with their Affidavit.

In the light of the above submissions, let the Respondent No.8-UGC clarify whether the Degree granted to the 13 (thirteen) students by the Respondent No.4 on the grounds that the session/admission commenced in February, 2014, regardless of the admission having taken place in July, 2014, would be valid Degrees or not. If not, what steps are required to be taken by the Respondent No.4-University in this regard.

In view of the above, it thus transpires that out of the total number of students, viz., 183 (one hundred and eighty-three) seeking Degrees, 141 (one hundred and forty-one) are satisfied with the Degrees granted to them by the Respondent No.4. The Respondent No.8-UGC submits that the said Degrees granted to the 141 (one hundred and forty-one) students are duly recognised by it.

13 (thirteen) students are dissatisfied with their Degrees for reasons discussed *supra*.

29 (twenty-nine) students remain for consideration.

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From the 29 (twenty-nine) students, 13 (thirteen) students, as per Learned Counsel for the Petitioners, were admitted in Bachelor in Mobile Computing and Internet [BMCI] the revised nomenclature of which is B.Sc. (Mobile Computing and Internet) [B.Sc.(MCI)].

16 (sixteen) students had applied for M.Sc. in Airline Tourism and Hospitality Management [M.Sc (ATHM)], the revised nomenclature of which is Master of Tourism and Travel Management (MTTM).

Learned Counsel for the Petitioners submits that these 29 (twenty-nine) students took admission on various dates in the year 2014 and ought to be awarded Degrees accordingly.

Learned Counsel for the Respondent No.8-UGC submits that the UGC vide its letter dated 06-11-2020 to the Respondent No.4 has stated that B.Sc. and M.Sc. can be awarded to the students.

Let the remaining 29 (twenty-nine) Petitioners specify the date and year of their admissions and year of completion of the Course, to enable the Respondent No.4-University and Respondent No.8-UGC to take steps.

List on 11-11-2020.

Judge
09-11-2020