

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 : 22-07-2019

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

For Petitioners Petitioner No.3 in person.

For Respondents

R-1, 2 & 6	Mr. S. K. Chettri, Assistant Government Advocate.
HRDD	Mr. Bhushan Nepal, Advocate.
R-3, R-8 & R-9	Mr. Thinlay Dorjee Bhutia, Advocate.
R-4	Mr. A. K. Upadhyaya, Senior Advocate. Mr. D. K. Siwakoti, Advocate.
R-5	Mr. Manish Kr. Jain, Advocate.
R-7	Mr. Leonard Gurung, Advocate.

ORDER

1. It is submitted by Learned Senior Counsel for Respondent No.4 that necessary steps have been taken before the Respondent No.8 in terms of the Order of this Court dated 15-05-2019. Learned Senior Counsel submits that the Order dated 15-05-2019 does not direct the Respondent No.4 to submit any compliance report before this Court.
2. Learned Counsel for the Respondent No.8 however would submit that no representation has been received by them from the Respondent No.4 in terms of the Order dated 15-05-2019 of this Court.
3. The Petitioner No.3 who is present in person and representing the other Petitioners submits that they are yet to engage a Counsel

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on account of their Counsel having been appointed as Additional Advocate General of the State. As per the Petitioners, this Court vide Order dated 15-05-2019 had specifically directed that five representatives of the Petitioner Association also be allowed to be present before the Respondent No.8 when the matter was being taken up by the Respondent No.4. It was also directed by the Court that costs of travel, boarding and food for the five representatives of the Petitioner-Association shall be borne by the Respondent No. 4 from the date that they embark on the journey till the time they are required by Respondent No. 8. The modalities on this aspect were to be worked out between the Petitioners and the Respondent No. 4. That, till date no steps have been taken by the Respondent No.4 and neither have the Petitioner Association been informed of any steps taken.

4. Heard submissions.

5. Despite clear and unambiguous directions of this Court dated 15-05-2019 which for brevity is not being reiterated, the Respondent No.4 has failed to take any steps in compliance thereof. This is evident from the fact that neither did the Respondent No.4 inform the Petitioners of the date that was being fixed by them to appear before the Respondent No.8, while the unequivocal submissions of Counsel for the Respondent No.8 lends credence to the fact that infact no steps have been taken by the Respondent No.4 before them, nor was any representation filed.

6. The records of the case reveal that as far as back in 28-09-2018 the Respondent No.4 voluntarily undertook to take steps with the Respondent No.8, the University Grants Commission (UGC), as remedial measures for recognition of the Degrees in controversy, i.e.,

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Bachelor in Airlines, Tourisms and Hospitality Management (B.Sc. ATM) and Bachelor in Health, Spa and Resort Management (BHSRM), for the years 2011 to 2014 and 2012 to 2015.

7. The records also reveal that on 12-10-2018 letter was issued by the Registrar of the Respondent No.4 to the Respondent No.8 requesting them to take steps for recognition of the Courses.

8. The Order dated 02-11-2018 observes the callous attitude adopted by Respondent No.4 towards the circumstance in the Writ Petition and due to their inaction the Respondent No.4 had been directed to pay total costs of Rs.1,00,000/- (Rupees one lakh) only, to the Petitioners.

9. Subsequent thereto, on 14-11-2018 this Court had observed that the Orders of the Court are being flouted by the Respondent No.4 and treated callously and not given the seriousness it deserves.

10. Thereafter, an Order followed on 29-11-2018 wherein the Respondent No.4 submitted that their representative had met the Additional Secretary of the UGC, Respondent No.8 on 16-10-2018, sans documentary proof of such meeting. Consequently, the Respondent No.4 sought time to take steps. The Respondent No.4 was warned that should they fail to take steps as required they shall compensate each of the students.

11. On 20-03-2019 the Respondent No.4 sought further time and on 26-03-2019 this Court directed the Respondent No.4 in tandem with the Respondents No.1, 2 and 5 to take necessary steps with the Respondent No.8.

12. The submissions of Learned Senior Counsel for the Respondent No.4 that there was no direction by this Court to submit

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compliance report in its Order dated 15-05-2019 is indeed preposterous coming from a Learned Senior Counsel no less. Once directions are issued by the Court it is a foregone conclusion and expected that compliance thereof or difficulties in compliance should be made known to the Court by filing Affidavit to that extent. The submissions of Learned Senior Counsel is absolutely unacceptable. It is also a reflection of the total ineptitude of the Respondent No.4 and the cavalier attitude adopted by them towards the circumstance of the Petitioners. As a result of their inaction the Petitioners are in limbo and their future in jeopardy.

13. In view of the non-action of the Respondent No.4 despite directions of this Court they are directed to pay a sum of Rs.1,00,000/- (Rupees one lakh) only, each to the each of the Petitioner Students by 31-08-2019 without fail and submit report before the next date fixed.

14. Further, should steps as directed in the Order dated 15-05-2019 *supra* not be taken by the Respondent No.4 by the next date fixed, this Court shall be constrained to initiate necessary legal action against them for disobedience of the Orders of this Court.

15. Let Dr. S. S. Walia, Registrar of the Respondent No.4 be present in person before this Court on the next date.

16. List on 06-09-2019.

Judge

22-07-2019

Index : Yes/No

Internet : Yes/No