

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 and Others

Respondents

Date : **26-02-2021**

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

For Petitioners

Mr. Gulshan Lama, Advocate.

For Respondents

R-1, R-2 & R-6

Mr. S. K. Chettri, Government Advocate.

R-3 & R-9

Mr. Karma Thinlay, Central Government Advocate.

R-4

Mr. A. K. Upadhyaya, Senior Advocate.
Mr. Sonam Rinchen Lepcha, Advocate.

R-5

Mr. Manish Kr. Jain, Advocate.

R-7

Mr. Leonard Gurung, Advocate.

R-8

Mr. Karma Thinlay, Senior Advocate.
Mr. Thinlay Dorjee Bhutia, Advocate.

ORDER

In compliance to the Order of this Court dated 07-12-2020, an Affidavit dated 20-02-2021 has been filed by the Petitioners in reply to an Affidavit dated 30-11-2020 of the Respondent No.4. Learned Counsel for the Petitioners submits that the correct details pertaining to 4 (four) students mentioned in the Affidavit could not be furnished. That, the Petitioners have no objection or grievance if Degrees are not awarded to those 4 (four) students listed in the Affidavit, namely, Kunsang Tamang, Mangalmit Lepcha, Nima Tashi Lepcha and Lachung Sherpa.

The prayer in the Affidavit cannot be allowed as there is no Affidavit filed personally by each of the 4 (four) students named therein nor is there any authorization by the said 4 (four) students to make a submission in this context. Let the Petitioners take necessary steps in this regard.

Learned Counsel for the Petitioners further submits that remaining 13 (thirteen) students are to be awarded Degrees in B.Sc. (Mobile Computing and Internet) [B.Sc. (MCI)] and 16

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(sixteen) students the degree of M.Sc. in Airline Tourism and Hospitality Management [M.Sc.(ATHM)].

Learned Senior Counsel for the Respondent No.4 submits that an Affidavit has already been filed on 30-11-2020 wherein it has been submitted that 5 (five) students from the aforementioned 13 (thirteen) students who have completed their course in November, 2015, the Degrees in B.Sc.(MCI) have already been prepared and are in the Chambers of the Learned Senior Counsel for Respondent No.4.

The Degrees of the 5 (five) students in B.Sc.(MCI) may be handed over to the Petitioners.

Learned Senior Counsel for the Respondent No.4 submits that the said Degrees for the remaining 8 (eight) students in B.Sc.(MCI) shall be prepared and made over to them along with the revised nomenclature on each of their Mark Sheets. Let steps be taken by the Respondent No.4 in consonance to the submissions made by Learned Counsel.

It is next submitted by Learned Counsel for the Petitioners that 16 (sixteen) students are yet to receive Degrees in M.Sc. (ATHM).

Learned Senior Counsel for the Respondent No.8 submits that the Degrees of B.Sc. and M.Sc. *per se* have been given recognition by the University Grants Commission, however, such recognition to the Degree is sans the specialisation mentioned in the parenthesis and the Respondent No.4 may clarify the position.

In response, Learned Senior Counsel for the Respondent No.4 submits that necessary verification shall be made in this regard and the Court apprised accordingly on the next date.

Let the Respondent No.4 submit an Affidavit covering the points raised with regard to the specialization in B.Sc. and M.Sc. Degree.

The Respondent No.8 shall also take steps in terms of the Order dated 11-11-2020 for 13 (thirteen) other students who are yet to be awarded rectified Degrees of BHMTT (Bachelor of

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Hotel Management, Travel and Tourism) as also reflected in the Order of this Court dated 09-11-2020. Learned Senior Counsel for the Respondent No.8 seeks time on this aspect.

Considered and time granted. Let Respondent No.8 expedite measures.

List on 17-03-2021.

ds

Judge

26-02-2021