

HIGH COURT OF SIKKIM
Record of Proceedings through Video Conferencing

WA No. 06/2021

JYOTI AGRAWAL

APPELLANT (S)

VERSUS

STATE OF SIKKIM & ORS.

RESPONDENT (S)

For Appellant : Mr. Santosh Yadav, Advocate.
Mr. Saurav Singh, Advocate.

For Respondents No. : Dr. Doma T. Bhutia, Addl. Advocate General.
1 and 2 Mr. S.K. Chettri, Govt. Advocate.

Date: 20/10/2021**CORAM:**

HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE
HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE

...

JUDGMENT (ORAL)

This appeal arises in respect of a judgment and order dated 16th August, 2021, passed by a learned Single Judge of this Court in WP(C) No. 56 of 2018 (Jyoti Agarwal Vs. State of Sikkim and Ors).

By the impugned judgment and order, the learned Single Judge proceeded to dismiss the writ petition.

The question before the learned Single Judge was whether the degree of M.A. Mathematics obtained by the writ petitioner (being appellant herein) from the EIILM University of Sikkim was a valid degree or not.

The learned Single Judge while proceeding to deal with this question extensively considered the facts of the case and the respective submissions made by the parties.

The learned Single Judge after considering all the aspects of the matter came to the following conclusions:-

"21. In light of all the discussions *supra*, the larger question is whether this Court is in a position to declare valid, a Degree granted for a non-existent subject alleged to have been offered by the EIILM University? This would be crossing the amplitude of all legal

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parameters and the answer would obviously be in the negative. Needless to add that the High Court, while exercising extraordinary jurisdiction under Article 226 of the Constitution, cannot perpetuate illegalities, irregularities or improprieties based on what evidently is a nebulous plea.

22. In conclusion, the Petitioner has failed to make out her case for recognition of her Degree in M.A. (Math) from the EIILM University as legal, genuine and valid for all purposes. Devoid of any merit, the Petition deserves to be and thus stands dismissed.

23. Writ Petition disposed of accordingly.

24. Pending applications, if any, also stand disposed of.

25. No order as to costs."

An Intra-Court Mandamus appeal, interference is usually warranted only when *palpable infirmities or perversities* are noticed. In the facts of the instant case, on a plain reading of the impugned judgment and order, we do not notice any such palpable infirmity or perversity. That apart and in any event, the impugned judgment is supported with cogent and justifiable reasons.

For reasons stated above, we do not find any merit in the instant writ appeal, which is liable to be dismissed and stands accordingly dismissed along with IA No.02 of 2021.

(Bhaskar Raj Pradhan)
Judge

(Biswanath Somadder)
Chief Justice

jk/avi

