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2022

**W.P.A. 11941 of 2022**

**Rajdeep Chakraborty  
Versus  
The Union of India & Ors**

Mr. Dyutiman Banerjee,  
Mr. Satyam Mukherjee,  
... For the petitioner.

Mr. Sayak Ranjan Ganguly, ... For the UOI.

Despite service the respondents are not represented.

It is the case of the petitioner that he enrolled himself as a student of MCA (Masters in Computer Application) course under the Sikkim Manipal University in the year 2005 through lateral entry on the basis of his DOEACC qualification.

Thereafter, he completed his fourth 2<sup>nd</sup> , 3<sup>rd</sup> and 4<sup>th</sup> semester from the said University. He, however, did not complete the course and left the same in the year 2007.

A provisional certificate was issued by the center of Sikkim Manipal University at Kolkata, namely by ABC Foundation. The copy of such certificate is appearing at page 27 of the writ application.

It is the further case of the petitioner that though he received the provisional certificate from the said centre, the final certificate was not issued to him by the University. He expected that the University would provide him with the final certificate in normal course of its business.

The present employer of the petitioner had asked for his final exit qualification certificate and accordingly he applied before the University for the said certificate. The University declined to grant him the said certificate by a letter dated February 5, 2022, on the ground that the exit qualification degree cannot be awarded in 2022, for a programme which expired in 2009. It was also stated in the said letter that the University did not receive any application from the student for the issuance of exit qualification certificate within the programme validity period, and the current MCA programme approved by UGC does not provide for the exit qualification certificate any more.

The prospectus issued by the University in the year 2006, specifically provides that a candidate may exit the course at any stage and will get a correspondence diploma/ PG diploma certificate based on the number of semester examination completed at the time of exit. It appears from pages 15,16, and 17 of the writ application that the petitioner duly completed 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> semester of the MCA Examination. Though the University sites delay as the ground for non-issuance of the exit qualification certificate, it does not appear that there are any rules and regulations which provide a time limit for the issuance of an exit qualification certificate.

I am of the opinion that the University should have provided the petitioner with exit qualification certificate as

prayed for, particularly, when the petitioner has successfully completed his 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> semester examination of the course.

The regulations relating to the present M.C.A. programme as approved by the U.G.C. cannot apply to the petitioner. The communication dated February 5, 2022, issued by the Deputy Registrar, Student Evaluation, Directorate of Distance Education, Sikkim Manipal University is accordingly set aside.

The University is directed to issue the exit qualification certificate of the petitioner for the semester successfully completed by him within a period of three weeks from the date of communication of this order.

Accordingly, WPA 11941 of 2022 is disposed of.

Let urgent certified copies of this order, if applied for, be given to the parties upon compliance with all the necessary formalities.

**( Kausik Chanda, J.)**