



IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL
THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA
AND
THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY
Special Appeal No.153 of 2026
7th July, 2026

Tanish Jitendra Kochhar

-----Appellant

Versus

The Union of India and Another

----Respondents

Presence:-

Ms. Swati Verma and Mr. Kirti Sharan Agarwal, learned counsel for the appellant.

Ms. Suniti Bhatt, learned Standing Counsel for the Union of India.

Mr. Digvijay Nath Dubey (V.C) and Mr. Tanmay Tiwari, learned counsel holding brief of Mr. Jitender Singh Bisht, learned counsel for respondent no.2.

JUDGMENT : (per Mr. Manoj Kumar Gupta C. J.)

1. Heard learned counsel for the parties.
2. The present intra-court appeal is directed against the order of learned Single Judge dated 28.04.2026 in WPMS No.2372 of 2025 whereby the writ petition filed by the appellant has been dismissed.
3. The prayer made in the writ petition was for quashing a communication dated 27.05.2025 whereby non-appellant no.2 (Indian Institute of Management Kashipur) declared the appellant disqualified for promotion to the IVth Term Semester and for a further direction commanding the institute to promote the petitioner to the Second Year IVth Term Semester of M.B.A. (Analytic) Programme 2024-26.
4. The facts of the case have been succinctly



stated by the learned Single Judge, which are as follows:

"2. Facts of the case shorn off unnecessary details are that petitioner took admission with the respondent no.2-I.I.M. Kashipur, in M.B.A. (Analytic) Programme 2024-26, a two year programme consisting of six semesters. Petitioner was admitted in the respondent no.2-I.I.M., Kashipur under the Category of Differently Abled Persons on the basis of a Disability Certificate. The petitioner cleared IIIrd Term Semester of the aforesaid course, but while he was in the IVth Term Semester a dispute arose between the Institution and the petitioner with regard to his promotion to the IVth Term Semester of the Second Year. The reason of dispute was that the petitioner has to secure less than 15 Deficit Credit Point (D.C.P.), but instead he secured 17 D.C.P. in the First Year and therefore he was refused promotion.

3. Aggrieved by the decision of the respondent no.2-I.I.M. Kashipur of not promoting petitioner to the IVth Term Semester, petitioner moved this Court by filing present writ petition, in which petitioner got an interim order dated 11.08.2025, whereby respondent no.2-I.I.M. Kashipur, was directed to provisionally allow the petitioner to attend classes of Second Year of M.B.A. (Analytic Programme 2024-26) at I.I.M., Kashipur. The operation of the impugned communication/letter dated (Analytic) Programme 2024-26 was kept in abeyance accordingly.

4. The respondent no.2-I.I.M. Kashipur feeling aggrieved by the aforesaid interim order preferred a SPA No.217 of 2025, Indian Institute of Management, Kashipur Vs. Tanish Jitendra Kochar, and the SPA was rendered infructuous and accordingly dismissed for the reason that the respondent no.2-I.I.M. Kashipur has already complied with the interim order impugned in the SPA by permitting him provisionally in the Vth Term Semester.

5. Now the fact of the matter is this that petitioner has passed all the six semesters except IVth Term Semester and the controversy now revolves around the fact that the petitioner in between received a college placement in Amazon India under the Disability Quota, but the final degree M.B.A. (Analytic) Programme 2024-26 is not being issued to the petitioner simply for the reason that the petitioner has not completed all the Terms Semester, six in number."

5. Learned Single Judge has repelled the contention of the appellant that since he had succeeded in passing Vth and VIth Term Semesters on the basis of interim order passed in the writ petition, therefore, even without clearing the IVth Term Semester he should be



issued the final certificate /degree. The learned Single Judge has held that without passing IVth Term Semester a pass certificate for the programme cannot be issued.

6. In the present appeal, the challenge was not to the finding recorded by learned Single Judge that without passing IVth Term Semester, the appellant cannot be issued the pass certificate, but the main submission was that since the petitioner had in the meantime succeeded in getting job at Amazon, and he being a person with special needs, he should be permitted to pursue the course by Online mode.

7. The University has filed an affidavit stating that the structure of the programme is such that it is not possible to permit the petitioner to pursue IVth Term Semester by Online mode. It is stated that the course involves continuous interaction and evaluation based on class participation, assignments, quizzes, projects, presentations, mid-term examinations and end-term examinations.

8. On matter being taken up today, learned counsel for the Institute has stated that the appellant has already taken admission in IVth Term Semester. In support of his submission, he has placed before us the fee receipt dated 22.06.2026, evidencing deposit of fee by the appellant for the IVth Term Semester.



9. On query made to counsel for the appellant, he admits that the appellant has taken admission in the IVth Term Semester, but he states that it was on account of the fact that 22nd June, 2026 was the last date for taking admission.

10. The further query from the appellant's counsel was that once the appellant has taken admission in the IVth Term Semester for pursuing the same by Offline mode how the appeal would survive, she states that the only difficulty, which the appellant would face would be his job with employer. She submits that in case University gives a certificate to the appellant certifying that the appellant has taken admission in the IVth Term Semester and is pursuing the course by Offline mode, the appellant would be able to seek exemption from the employer for the period he would be pursuing his course.

11. Shri Digvijay Nath Dubey, learned counsel for respondent no.2/ Institute has no objection to the same. He states that the institute would issue certificate to the appellant certifying that the appellant had taken admission in the IVth Term Semester, which according to him, is of three months duration and would end in September, 2026. Further, in case the appellant succeeds in passing the IVth Term Semester he would be issued pass certificate for the M.B.A. (Analytic) Programme.



12. The statement made by Shri Dubey is, accordingly, recorded and would be binding on the Institute.

13. In view of the consensus arrived at between the parties, as noted above, the present appellant does not survive and is, accordingly, disposed of, however, the institute, as stated by its counsel, would issue certificate to the appellant within two weeks from today.

14. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated: 07.07.2026
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