

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 2372 of 2025 (M/S)

Tanish Jitendra KochharPetitioner

Versus

Union of India and OthersRespondents

Present:-

Mr. Devang Dobhal, Advocate for the petitioner.

None is present for the respondent no.1.

Hon'ble Ravindra Maithani, J. (Oral)

Heard.

2. Admit.

3. Issue notices to the respondent nos. 1 and 2, returnable within six weeks.

4. Steps to be taken within a week.

5. Respondents may file counter affidavit within four weeks.

6. Two weeks, thereafter, rejoinder affidavit, if any, may be filed.

7. List this matter on 03.11.2025.

8. Heard on Interim Relief Application, IA No.1 of 2025

9. The petitioner is a student in Indian Institute of Management, Kashipur, ("IIM") in the MBAA programme, Batch 2024-2026. He is diagnosed with Dyslexia, Dysgraphia and Dyscalculia. The petitioner performed in the first year examination very well, but due to difficulties, he accumulated 17 Deficit Credit Points ("DCPs"), which is more than 15 DCPs. The petitioner made a representation to the authorities. He was told that there is no provision for further accommodation or DCPs relaxation. The petitioner was informed by the communication dated 27.05.2025 of the IIM, Kashipur, that he is not eligible for promotion to the second year of MBAA 2024-26 batch. He has the option of enrolling in the restructured MBA Analytics program for underperforming participants.

10. Learned counsel for the petitioner submits that the petitioner is a person with disabilities; he has learning disabilities; it was the statutory obligation of the IIM, Kashipur, to accommodate the petitioner and promote him to the second year, but it has not been done. He further submits that in identical matters, this Court has passed interim order and directed the similarly situated candidate to attend the fourth semester, second year examination on 08.07.2025, in WPMS No.2033 of 2025, Shruthi Komath Vs. Indian Institute of Management Kashipur.

11. In fact, similar issue was raised in WPMS No.2033 of 2025, Shruthi Komath Vs. Indian Institute of Management Kashipur. The Court then, at interim stage, discussed law on this subject and passed the interim order.

12. Without going in details, this Court is of the view that interim protection is required to be given in the instant matter.

13. Having considered, as an interim measure, till the next date of listing, the respondent is directed to provisionally allow the petitioner to attend the classes of second year of the MBA (Analytics) programme in IIM, Kashipur. The operation of the impugned communication dated 27.05.2025, of the respondent shall remain in abeyance, accordingly.

14. Interim relief application stands disposed of, accordingly.

(Ravindra Maithani, J)
11.08.2025