
(2023) 01 SIK CK 0002

In the Sikkim High Court

Case No : Interim Application No. 03 Of 2023 In Writ Petition (C) No. 51 Of 2022

Bhawesh Gazmer And Ors.

APPELLANT

Vs

State Of Sikkim & Ors

RESPONDENT

Date of Decision : 12-01-2023

Acts Referred:

Citation : (2023) 01 SIK CK 0002

Hon'ble Judges : Biswanath Somadder, CJ

Bench : Single Bench

Advocate : Anirudh Gupta, Thinlay Dorjee Bhutia, Pema Bhutia, Karma Sonam Lhendup

Final Decision : Dismissed

Judgement

Biswanath Somadder, CJ

The instant interlocutory application has been filed on 9th January, 2023, as an urgent application to be taken up by the Vacation Bench of this Court primarily on the ground that on 3rd November, 2022, the respondent no. 2 has announced the date for preliminary examination which is scheduled to be held on 16th January, 2023, and that the name of petitioner no. 4 was not mentioned in the eligible list.

This application, however, is totally silent about the fate of petitioner nos. 1, 2, 3, 5 and 6. Since the writ petition was moved jointly, the cause of action of petitioner no. 4 appears to be distinct and cannot be espoused independently.

That apart and in any event, the Regular Bench of this Hon'ble Court had in the order dated 9th December, 2022, taken note of the fact that the concerned examination was scheduled to be held sometime in January, 2023. From that date, till today, there has been no change of circumstances which could have prompted filing of this interlocutory application where the cause of only one of the petitioners (i.e. petitioner no. 4) is sought to be espoused.

This interlocutory application is nothing but an abuse of process of Court and on this ground alone, the application is liable to be dismissed and stands accordingly dismissed.

The main matter alongwith other interlocutory applications, if any, shall be taken up by the Regular Bench on the date, as fixed.