
(2023) 02 SIK CK 0036

In the Sikkim High Court

Case No : Writ Petition (C) No. 43 Of 2022

College Of Agriculture Engineering And Post Harvest
Technology

APPELLANT

Vs

State Of Sikkim And Others

RESPONDENT

Date of Decision : 24-02-2023

Acts Referred:

Citation : (2023) 02 SIK CK 0036

Hon'ble Judges : Meenakshi Madan Rai, J

Bench : Single Bench

Advocate : Ganesh Man Chettri, Yadev Sharma, Rachhitta Rai

Judgement

Meenakshi Madan Rai, J

Learned Government Advocate for the State-Respondent Nos.1 to 3 verbally seeks time on grounds that Mr. Sudesh Joshi, the then Additional Advocate General, who had since resigned, was seized of the matter and the draft of the Counter-Affidavit was to be vetted by him. That, due to the unforeseen circumstance of the resignation of Mr. Sudesh Joshi, the matter could not be vetted and is now placed before Dr. Doma T. Bhutia, Additional Advocate General.

Learned Counsel for the Respondent No.4 verbally seeks time on grounds that Respondent No.4 has been under medical treatment from December, 2022.

On perusing the File records, it is evident that the matter was taken up by this Court from 11-11-2022 and on 25-11-2022 Notice was issued and four weeks' time afforded to the Respondents to file their Counter-Affidavits.

On considering the grounds put forth it is evident that the Respondent No.4 is unwell hence the adjournment sought for by Respondent No.4 for filing Counter-Affidavit is considered and granted. However, the State-Respondent Nos.1 to 3 cannot be afforded the same indulgence considering the lapse between the date when the matter was last taken up and that fact that the resignation of Mr.

Sudesh Joshi was admittedly only in the month on February, 2023.

In the circumstances, let the State-Respondent Nos.1 to 3 file Counter-Affidavit subject to payment of costs of ₹ 2,000/-(Rupees two thousand) only, to the Sikkim State Legal Services Authority, for utilisation as Emergency Funds in the One Stop Centre, at Gangtok.

Let Counter-Affidavits be filed within two weeks' and two weeks' thereafter for Rejoinder.

List on 31-03-2023.