

(2023) 02 SIK CK 0032
In the Sikkim High Court
Case No : Writ Petition (C) No. 35 Of 2021

Kamala Tamang & Ors

APPELLANT

Vs

State Of Sikkim & Ors.

RESPONDENT

Date of Decision : 23-02-2023

Acts Referred:

Citation : (2023) 02 SIK CK 0032

Hon'ble Judges : Bhaskar Raj Pradhan, J

Bench : Single Bench

Advocate : A. Moulik, K. D. Bhutia, Ranjit Prasad, Thinlay Dorjee Bhutia, Pema Bhutia, Kazi Sangay Thupden, Shristika Karki, Prerana Rai, Udai Kunwar, Sajal Sharma, Shreya Sharma

Final Decision : Disposed Of

Judgement

Bhaskar Raj Pradhan, J

I.A. No. 03 of 2022

This is an application praying for impleadment of the applicants as respondents in the writ petition. There are 15 applicants. It is the case of the applicants that they had appeared in the same examination in which the petitioners as well as the private respondents had appeared. It is their further case that the private respondents were selected in the merit list by the State respondents and the applicants appeared in the panel list dated 02.10.2021. The petitioners have inter alia contested the selection of the private respondents as well as the notification dated 23.06.2021, addendum Memo No.60/SSTRB/Adm. Dated 20.07.2021 and Memo No.61/SSTRB/Adm. dated 21.07.2021 to Memo No.57/SSTRB/Adm. dated 05.07.2021. It is the case of the applicants that as they were in the panel list prepared by the State respondents and if this court was to uphold the contention of the petitioners that the selection of the private respondents was illegal, the applicants would have a better right than the petitioners who had not been selected either in the merit list or in the panel list.

The petitioners on the other hand contend that the panel list by which the applicants acquired the locus to seek impleadment was for a specified period which is over and as such they have no locus to be impleaded in the present writ petition preferred by them. The record reveals that the panel list was to be valid for a period of 11 months as per the advertisement dated 05.07.2021 from the date of the declaration of the result. The result was declared vide memo dated 02.10.2021. Thus the period of 11 months would expire around September, 2022. The writ petition was preferred on 12.10.2021 during the validity of the panel list. The application for impleadment was filed on 30.08.2022 which was also during the validity of the panel list. By order dated 30.10.2021 passed by this court the State respondents were restrained from taking further steps in the matter. According to the applicants, by a communication dated 05.05.2022 they approached the concerned Department of the Government of Sikkim seeking extension of time of the validity of the panel list. In reply thereto the concerned Department of the Government of Sikkim vide its communication dated 24.08.2022 apprised the applicants that since the matter is subjudice they should approach this court instead. It is the case of the applicants that in such circumstances they were constrained to approach this court by way of the present application. Considering the above facts this court is of the view that interest of justice would be better served and multiplicity of proceedings avoided if the applicants are impleaded as respondents herein keeping all questions raised including the question of locus standi of the applicants to seek impleadment after the expiry of the validity of the panel list open. It is accordingly so ordered. The applicants are therefore, impleaded as respondent nos. 50 to 64. They shall file their counter affidavit within a period of two weeks. Rejoinder if any, within a period of two week thereafter.

I.A. No 03 of 2022 stands disposed of.