

THE HIGH COURT OF SIKKIM: GANGTOK
(Civil Extra-Ordinary Jurisdiction)

SINGLE BENCH: THE HON'BLE MR. JUSTICE A. MUHAMED MUSTAQUE,
CHIEF JUSTICE

WP(C) No.44 of 2026

Rudra Prasad Rimal,
S/o Kumar Rimal
R/o: Development Area,
Gangtok District,
Sikkim – 737101.

...Petitioner

versus

1. **The Registrar General,**
High Court of Sikkim,
Above Hospital Dara,
Gangtok - 737101.
2. **The High Court of Sikkim,**
Through the Registrar General,
Above Hospital Dara,
Gangtok - 737101.
3. **Government of Sikkim,**
Through the Secretary,
Department of Law and Parliamentary Affairs,
Tashiling Secretariat, Block 'B',
Third Floor, Gangtok,
East Sikkim, 737101.
4. **Government of Sikkim,**
Through the Secretary,
Department of Personnel,
Tashiling Secretariat, Gangtok,
East Sikkim, 737101.

...Respondents

Appearance:

Ms. Preeti Basnett, Mr. Abhinav Kant Jha and Ms. Poonam Rai, Advocates
for the Petitioner.

Mr. N. Rai, Senior Advocate with Mr. Kazi Sangay Thupden, Advocate for
the Respondent Nos.1 and 2.

Mr. Yadev Sharma, Government Advocate with Mr. Sujan Sunwar,
Assistant Government Advocate for the Respondent Nos.3 and 4.

Judgment Reserved on :
Judgment Pronounced on : 05.08.2026
Judgment Uploaded on : 05.08.2026

JUDGMENT (ORAL)

(A. Muhamed Mustaque, C.J.)

The Petitioner has come up with this Writ Petition challenging the decision of the High Court on the administrative side. As per the decision, he has been ordered to be demoted as a Deputy Registrar (IT). Currently, he is holding the post of Additional Registrar (IT). The reason that he has been demoted as Deputy Registrar (IT) is on the ground that he was given promotion in violation of the Rules. As per the Rules, the officer has to complete four years of term in the feeder cadre. However, it was relaxed and he was given promotion as Joint Registrar (IT) within two years and thereafter, as Additional Registrar (IT) within a further period of two years.

2. This Court on 28.07.2026 passed the following order:-

"Admit.

Issue notice to Respondents.

Requisite be filed.

The Petitioner has been demoted as a Deputy Registrar (I.T.) as per the impugned decision. The petitioner's prayer for an ex parte interim order cannot be granted at this stage, for the reason as seen from the impugned decision that petitioner had been favoured for promotion in violation of existing rules.

As seen from the Rules applicable, the Petitioner is entitled to be promoted as a Joint Registrar (I.T.) on completion of four years of service in the year 2025.

Therefore, even with the Petitioner being demoted as Deputy Registrar (I.T.), the High Court administration shall take up his case for promotion as a Joint Registrar within a week and pass appropriate orders.

Post this matter next week i.e., 5th August, 2026 for hearing on interim application for stay after the appearance of the respondents."

3. Pursuant to the above order, it was decided by the High Court administration to promote him as a Joint Registrar (IT) since he has already completed four years in the year 2025.

4. Today, Learned Counsel for the Petitioner submits that the Petitioner is satisfied with the above order and he has no claim for the post of Additional Registrar (IT). However, it is submitted that he should be promoted as a Joint Registrar (IT) as on the date on which it was due, i.e., on 21.12.2025.

5. The claim made by the Petitioner is legitimate and fair. The High Court cannot deny his claim for the promotion when it was due. Therefore, the High Court administration shall consider and pass appropriate orders in regularizing his promotion to the post of Joint Registrar (IT) when it was due on completion of four years. An appropriate order shall be passed within a period of one week.

6. Since the Petitioner has given up his claim for the post of Additional Registrar (IT), there is nothing further survives in the matter. However, he shall be considered for further future promotion(s) in accordance with Rules.

7. With the above direction(s), the Writ Petition being WP(C) No.44 of 2026 stands disposed of.

Chief Justice

ds/ami