

WP(C) No. 41/2020

GOPAL KUMAR NIROULA CHHETRY

PETITIONER (S)

VERSUS

SIKKIM STATE UNIVERSITY & ORS.

RESPONDENT (S)

For Petitioner	:	Mr. A.K. Upadhyaya, Sr. Advocate with Ms. Rachhitta Rai, Advocate and
For Respondents	:	Mr. Sudesh Joshi, Addl. Advocate General Mr. Sujan Sunwar, Asst. Government Advocate

Date: 13/05/2021

CORAM :

HON'BLE MR. JUSTICE JITENDRA KUMAR MAHESHWARI, CJ.

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Heard Mr. A.K. Upadhyaya, learned Senior Counsel appearing on behalf of the petitioner. It is stated by him that the petitioner has been suffering by COVID-19, therefore, rejoinder could not file.

As requested by him, four weeks' time has been granted to file the rejoinder-affidavit. On filing the rejoinder within four weeks, the respondents are at liberty to file additional affidavit, if any, within two weeks.

Learned Additional Advocate General contends that counter-affidavit and reply to the stay application has been filed, however, the status quo order is not in the interest of fair administration as the petitioner has already been terminated by the impugned order. He has already handed over all articles as specified in the order, now only question remains regarding appointment of new Vice Chancellor, however, the said appointment may be subject to the final outcome of this petition and the State Government cannot be restrained from filling up of the post of Vice Chancellor or to paralyse the function of the University.

After hearing the learned Counsel for the parties, in the opinion of the Court the Order dated 03.04.2021 directing to maintain status quo is modified to the extent that the appointment on the post of the Vice Chancellor of the

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University, if any made by the Chancellor, it shall be subject to the final outcome of this writ petition.

With the aforesaid observation, IA No. 01 of 2020 stands disposed of. The case is adjourned for further orders on 22.07.2021.

Chief Justice

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