

**HIGH COURT OF SIKKIM**

Record of proceedings

**W.P. (C) No. 43 of 2023**

DR. BANDANA SARDA

..... PETITIONER

VERSUS

STATE OF SIKKIM & ORS.

..... RESPONDENTS

Date: 28.02.2024

CORAM :

**HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, JUDGE**

For Petitioner : Mr. A. Moulik, Senior Advocate with  
Mr. Ranjit Prasad, Advocate.  
For Respondent : Mr. Thinlay Dorjee Bhutia,  
Nos. 1 & 2. Government Advocate.  
Mr. Shakil Raj Karki, Assistant  
Government Advocate.  
For Respondent : Mr. Bhushan Nepal, Advocate.  
No. 3.

.....

**1.** The present writ petition complains about the non adherence to a final Order dated 05.09.2019 passed by this Court in favour of the petitioner in Writ Petition (C) No.70 of 2017. By the said Order this Court directed inter-alia *“that as and when regular vacant post for general category is available with the respondent Department, the respondent shall consider the case of the petitioner for regularization.”* By way of the present application the petitioner complains that the respondent has started the process of filling up vacancies in various Departments and it is apprehended that she would not be considered once again.

**2.** The learned counsel for the State-respondent however, submits that the post advertised are specifically for certain specific subjects and not that of the subject the petitioner specializes in. The Order of this Court is quite clear. During the process of filling up the vacancies, in the meanwhile, if there is any vacancy available with the Government for which, as directed by this Court on 05.09.2019, the

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Government can consider the petitioner for regularization, let it remain untouched until the final decision in the present case.

**3.** Counter affidavit filed by the respondent no.3 is taken on record. Two weeks thereafter, to the petitioner to file rejoinder to the counter-affidavit filed by the respondent no.3. The learned Government Advocate for the respondent nos. 1 and 2 desires further three weeks time to file counter-affidavit. Permitted. Two weeks thereafter, to the petitioner to file rejoinder to the counter-affidavit filed by the respondents.

**4.** List on 12.04.2024.

**Judge**

Index : ~~Yes~~ / No  
to/ Internet : Yes / ~~No~~