

**IN THE HIGH COURT OF SIKKIM
CIVIL EXTRA ORDINARY JURISDICTION**

W. P. (C) No.

60

OF

2016

1. Mr. Karma Gyatso Bhutia,
S/o Mr. Karma Sonam Bhutia,
President of Sikkim Students'
Welfare Association of Chandigarh,
R/o Dhajay, Near Ranka Senior Secondary School,
P. O. & P. S. Gangtok, East Sikkim.

2. Mr. Sujendra Rai,
S/o Mr. Ashman Rai,
General Secretary of Sikkim Students'
Welfare Association of Chandigarh,
R/o Lower Wok,
P. S. Jorethang, P. O. Wok,
South Sikkim.

3. Mr. Gyurmee Bhutia,
S/o Mr. Passang Bhutia,
Treasurer of Sikkim Students'
Welfare Association of Chandigarh,
R/o Gurphisey, Namchi,
P. O. & P. S. Namchi,
South Sikkim.

----- Petitioners.

-VERSUS-

1. State of Sikkim,
Through Chief Secretary,
Government of Sikkim, Gangtok.

2. Secretary,
Social Justice Empowerment & Welfare Department,
Samaj Kalyan Bhawan – Bal Bhawan,
Lumsay, 5th Mile Tadong, Gangtok,
Government of Sikkim, Gangtok, East Sikkim.

3. Secretary,
Department of Social Justice Empowerment,
Room No. 721 – 'A' Wing,
Shastri Bhawan,
Dr. Rajendra Prasad Road, Government of India.
 4. The Dean Academics,
I. K. Gujral Punjab Techninical University,
Near Pushpa Gujral Science City,
Ibban, Kapurthala – 144 603,
District Kapurthala, Punjab.
 5. The Principal,
I.T.F.T. Education Group, SCO 1-2-3,
Level III, 17 D, Sector – 17,
Chindigarh, 160 017, Punjab.
 6. Human Resource Development Department,
Government of Sikkim,
Gangtok, East Sikkim.
 7. Indira Gandhi National Open University,
Regional Centre, Gangtok, 5th Mile, Tadong,
P. O. Tadong & P. S. Gangtok, East Sikkim.
 8. University Grants Commission,
Bahandur Shah Zafar Marg,
New Delhi, Pin No. – 110 002.
 9. Secretary,
Ministry of Tribal Affairs,
Ground Floor, D Wing,
Shastri Bhawan, New Delhi,
Pin No. – 110 001.
- Respondents.
- PETITIONER
ADVOCATE (S)
FOR ----- Dr. Doma T. Bhutia, Ms. Rachhitta Rai and Ms. Babita Rai.
- RESPONDENT
ADVOCATE (S)
FOR ----- Mr. J. B. Pradhan, Addl. Advocate General, Mr. Karma Thinlay,
Sr. Govt. Advocate, Mr. S. K. Chettri and Ms. Pollin Rai, Asstt.
Govt. Advocates.

W.P.(C) No. 60/2016
Karma Gyatso Bhutia & Ors. vs. State of Sikkim & Ors.

BEFORE
MR. JUSTICE SATISH K. AGNIHOTRI, CJ.

01. 29.11.16 Present: Ms. (Dr.) Doma T. Bhutia, Ms. Rachhitta Rai and Ms. Babita Rai, Advocates for the Petitioners.

Mr. J.B. Pradhan, Addl. Advocate General with Mr. S.K. Chetttri, Ms. Pollin Rai, Assistant Government Advocates and Mr. Bhushan Nepal, Advocate (HRDD) for the State-Respondents No. 1, 2 and 6.

Mr. Thinlay Dorjee Bhutia, Advocate for Respondents No. 3, 8 and 9

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Dr. Doma T. Bhutia, learned counsel appearing for the petitioners, submits that in response to the Government Notice dated 18.06.2013 under the caption "Education with Direct Employment" for +2 and Graduation students for Post Matric Scholarship (PMS) at ITFT College, Chandigarh, applied and were granted scholarship as promised under the notification for the said courses. After completion of the courses, the petitioners approached the Government for benefit for further studies and that they were informed that the courses were not recognized. It is strongly contended by the learned Counsel that once the notification giving out the benefits for particular course was issued by the Government, there is no reason to disbelieve the status or condition of the institution. Thus, the petitioners cannot be denied further benefits for advance education and employment.

Issue notice.

Mr. S.K. Chettri, learned Asstt. Govt. Advocate assisting Mr. J.B. Pradhan, learned Addl. Advocate General accepts notice on behalf of respondents No. 1, 2 and 6 and Mr. Thinlay Dorjee Bhutia, learned Advocate accepts notice on behalf of respondents No. 3, 8 and 0.

Notice to other respondents, returnable in four weeks.

Requisites be filed within one week.

Call on 15.02.2017.

Chief Justice
29.11.2016

jk/to

Index : Yes / No
Internet : Yes / No