

**HIGH COURT OF SIKKIM**  
Record of proceedings

**W.P. (C) No. 60 of 2022**

RAVI TAMANG

.... PETITIONER

VERSUS

STATE OF SIKKIM & ORS.

.... RESPONDENTS

Date: 30.11.2023

CORAM

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

For Petitioner : Mr. N. Rai, Senior Advocate (Legal Aid Counsel)  
with Ms. Tara Devi Chettri and Ms. Priscilla Rai,  
Advocates.

For Respondent : Mr. Shakil Raj Karki, Assistant Government  
Nos. 1 & 2. Advocate.  
Mr. Sujan Sunwar, Assistant Government  
Advocate.

For Respondent : Mr. Bhusan Nepal, Advocate.  
No.3.

For Respondent : Mr. Prajwal Rai, Junior Legal Aid Counsel.  
Nos.4 to 7.

For Respondent : Ms. Sangita Pradhan, Deputy Solicitor General of  
No.8. India assisted by Ms. Natasha Pradhan and Ms.  
Purnima Subba, Advocates.

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**I.A. No. 01 of 2023**

**1.** An application for amendment had been filed by the petitioner seeking to amend the writ petition. In the writ petition the Union of India is arrayed as respondent no.8.

**2.** The writ petition seeks the following prayers:-

“(a) Issue a writ of certiorari quashing the illegal appointments of Respondent No. 4 to 7 made by the Respondent No. 1 to 3 in the post of Lower Division Clerks from the posts reserved for Persons with Disability (PWD)-Blind and Low Vision.

(b) Issue a writ of/or in the nature of mandamus or any other writ or order of the like nature directing the Respondent No. 1 to 3 to appoint, in place of the

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Respondent No. 4 to 7, the eligible candidates including the Petitioner from among the persons with Disability – blind and with low vision as per the terms of advertisement dated 13.06.2017 with Reference No.06/SPSC/EXAM/2017.

- (c) Issue a writ of/or in the nature of mandamus or any other writ or order of the like nature directing the Respondent No.1 to 3 to remove the impediment of filing the online application form for the candidates with 100% blindness in response to the advertisement No.08/SPSC/EXAM/2022 dated 06.08.2022 published by Sikkim Public Service Commission, the said application form being published in [www.spsc.skm.govt.in](http://www.spsc.skm.govt.in).
- (d) Issue a writ of/or in the nature of mandamus directing the State Respondents to specify the number of posts reserved for persons who are blind and persons with low vision separately under the *Category Persons with Disability-Blind and Low Vision*.
- (e) Issue direction to the Respondent No. 1, 2 and 3 to strictly adhere to the service rules and rules of recruitment.
- (f) Issue direction to the Respondent no.1, 2 and 3 to produce the entire file in respect of the appointment process under Advertisement No.06/SPSC/EXAM/2017 dated 13.06.2017 published by Sikkim Public Service Commission.
- (g) Issue any other appropriate writ, order or direction that this Hon'ble Court may deem fit and proper in the circumstances of the case.
- (h) Costs of these proceedings.”

**3.** The application for amendment seeks to add prayer (i) in the following manner.

- “(i) Issue a writ of/or in the nature of mandamus or any other writ or order of the like nature directing the

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Respondent No.8 to amend Section 34 of the Right of Persons with Disabilities Act, 2016 so as to provide for separate reservation for the persons who are *blind* and *persons with low vision.*”

**4.** The learned counsel for the respondents including the learned Deputy Solicitor General of India raises no objection to the amendment sought for. Since the issue raised in the writ petition is relatable to prayer (i) sought to be added to the above prayers in the writ petition the amendment is allowed. I.A. No.01 of 2023 stands disposed of. The petitioner may file the amended writ petition within a period of 10 days. The respondent may file amended counter affidavit. If counter affidavit had been filed or if no counter affidavit has been filed so far, counter affidavit may be filed within a period of four weeks after filing of the amended writ petition.

**5.** List it after the reopening of the ensuing winter vacation.

**Judge**