

IN THE HIGH COURT OF SIKKIM
CIVIL EXTRA ORDINARY JURISDICTION

W. P. (C) No. 66 OF 2015

Mr. Rinzing Chopel Rai,
S/o Shri Santa Bir Rai,
R/o Shiv Mandir Road,
Chandmari, East Sikkim,
Gangtok – 737 103. ----- Petitioner.

-VERSUS-

1. State of Sikkim,
Through the Secretary,
Department of Personnel,
Adm. Reforms, Training & Public Grievances,
Government of Sikkim,
Manan Bhawan, Gangtok, East Sikkim.
2. Through the Secretary,
Sikkim Public Service Commission,
Old West Point School,
Gangtok, East Sikkim. ----- Respondents.

PETITIONER

ADVOCATE (S)

FOR ----- Mr. A. K. Upadhyaya, Sr. Advocate with Mr. Ajay
Rathi Ms. Binita Chhetri and Ms. Aruna Chhetri.

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 Asst. Govt. Advocate.

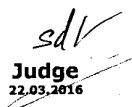
Case No.....

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08.	22.03.2016	W.P.(C) No. 66 of 2015 Rinzing Chopel Rai vs. State of Sikkim & Another BEFORE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE Present: Mr. A.K. Upadhayaya, Sr. Advocate with Ms. Binita Chhetri, Advocate for the Petitioner. Mr. Rinzing Chopel Rai, Petitioner in person. Mr. J. B. Pradhan, Additonal Advocate General with Mr. S. K. Chettri, Assistant Government Advocate for the State-Respondents. ----- (1) It is submitted by Learned Additional Advocate General that the Certificate of Identification of one of the candidates who had been selected for the post of Deputy Superintendent of Police has been cancelled by the Additional District Collector, East Sikkim, Gangtok, vide Final Order dated 21.03.2016 in Misc. Case No.63 of 2015. That, in the circumstances the State-Respondents require some time to take steps pertaining to the prayer of the Petitioner. (2) <i>Per contra</i>, it is submitted by Learned Senior Counsel for the Petitioner that the Hon'ble Apex Court has ruled in Manoj Manu and Another vs. Union of India and Others : (2013) 12 SCC 171, that where out of recommended candidates, some candidates do not join the

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		posts and consequently the posts are not filled up, the vacant posts are to be filled from the remaining list of candidates. (3) He has also drawn the attention of this Court to the amendment of the Sikkim Government Establishment Rules, 1974 bearing Sikkim Government Establishment (Amendment) Rules, 2015 vide Notification No.16/GEN/DOP dated 11.06.2015, which requires that any vacancies under the State Government Services, arising after the initial direct recruitment on the basis of the results of open competitive examinations, shall be filled-up, within a period of 1 (one) year from the date of declaration of the results of such examinations, from the panel of qualifying candidates, which shall be valid for a period of 1 (one) year, on merit basis in accordance with the reservation rules of the State Government. (4) That, even if the panel list was not specifically maintained by the State Government in connection with the examinations held for the recruitment of Under Secretaries and Deputy Superintendent of Police, it is clear that when the posts have fallen vacant, the Petitioner should be appointed in the vacant post in view of the decision of the Hon'ble Apex Court and the amendment of the State Government Establishment Rules, 1974.

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		(5) However, Learned Senior Counsel has no objection to the State Government seeking two weeks' time. (6) Considered. (7) Let the State-Respondents take steps in the interim. (8) Next date be fixed for hearing. (9) List on 13.04.2016.  Judge 22.03.2016 Index : Yes / No Internet : Yes / No
ds/bp		