

**HIGH COURT OF SIKKIM**

Record of proceedings

**FOR MENTIONING**

**VIDE MENTIONING MEMO NO.194/2025 IN W.P. (C) NO.74 OF 2025**

DR. AZEL RAI & ORS. .... PETITIONERS  
VERSUS

STATE OF SIKKIM & ORS. .... RESPONDENTS

Date: 17.11.2025

CORAM :

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

For Petitioners : Mr. Pradeep Tamang, Advocate  
Mr. Lahang Limboo, Advocate  
Mr. Sawal Rai, Advocate.

For Respondent : Mr. Zangpo Sherpa, Additional Advocate  
No.1, 3 & 4. General.  
Mr. Thinlay Dorjee Bhutia, Government  
Advocate.  
Mr. Sujan Sunwar, Assistant Government  
Advocate.

For Respondent : Mr. Bhusan Nepal, Advocate.  
No.2.

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**1.** The present writ petition is taken up by this Bench for hearing on being directed by the Hon'ble the Chief Justice as informed by the Registry through its note dated 17.11.2025 which reads "the instant petition and mention memo filed along with it have been brought to the notice of the Hon'ble the Chief Justice. His Lordship has been pleased to direct the Registry to list this case before SB-III today."

**2.** Eight petitioners before this Court are all aspirants for the posts of Veterinary Officer. On 11.09.2024 the Sikkim Public Service Commission (SPSC) (respondent no.2) had vide its advertisement No.06/SPSC/EXAM/2024 called for filling up of (55) posts of Veterinary Officers. The eligibility condition prescribed was a Bachelors Degree in Veterinary Science and Animal Husbandry from a recognized University. On the date of the advertisement

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none of the petitioners had acquired the required degree. Nevertheless they filled the online application forms for the said post. Thereafter, the petitioners passed and obtained the degree in December, 2024. The petitioners were also permitted to appear in the written examination held on 13.09.2025. Vide notice dated 03.11.2025 issued by the SPSC all the petitioners along with other successful candidates were directed to appear for scrutiny of documents on 12.11.2025. The notice also stated that the viva voce were fixed on 18.11.2025, 19.11.2025 and 20.11.2025. The notice further provided that and on the basis of marks obtained in the written examination and the scrutiny of documents the list of eligible candidates shall be shortlisted for viva voce. Thereafter, on 13.11.2025 another notice was issued by the SPSC which disclosed the roll numbers of those candidates shortlisted for viva voce. The notice dated 13.11.2025 did not include the petitioners as shortlisted candidates for viva voce interview. The petitioners are aggrieved by this notice.

**3.** Heard the learned counsel for the petitioners, the learned counsel for the SPSC and the learned Additional Advocate General for the State respondents.

**4.** Prima facie this Court is not satisfied that the manual for SPSC 2018 which contains “Rule of Procedure and Conduct of Business of the Sikkim Public Service Commission” (in short “the manual”) has been followed in the present case during the process of recruitment by the SPSC. From the averments made in the writ petition and enclosed documents the petitioners were meritorious students. All the petitioners have obtained first division in their

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degree examinations. Under Rule 22 of the manual after the applications are received they are required to be scrutinised with regard to the eligibility of the applicants. One of the main points for scrutiny is whether the candidate possesses the requisite qualifications and experience, if any, prescribed. The petitioners submit that as they were asked to appear for the written examination the scrutiny of the application is over. Rule 40 of the manual provides for preparation of a list of successful candidates, displaying it in the notice board, publishing it in local newspapers and broadcasting through local electronic medium. Rule 41 (1) of the manual provides for inviting the candidates whose names are included in the list published under Rule 40 to appear for the viva voce. Rule 41(2) of the manual pressed by the learned counsel for the SPSC is for verification of the documents and certificates of academic and other qualification “in original” before the candidates are allowed to appear for the viva voce and if the candidate fails to produce the original document for verification they shall not be allowed to appear for it. Prima facie therefore, the impugned notice dated 13.11.2025 does not follow the manual correctly.

**5.** The petitioners seeks to rely upon a notification dated 27.10.2015 issued by the respondent no.3. The said notification provides that applications of candidates for government jobs who are in the final year/semester of the prescribed course for the posts shall be accepted provided such candidates have cleared all the previous semesters at the time of submission of applications and subject to submission of the final year results on or before the date specified by the SPSC before written examination or interview

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wherever such examination/interviews are mandatory. It is the case of the petitioners that the applications were made by them and accepted by the SPSC who allowed them to appear in the written examination due to the notification dated 27.10.2015.

**6.** The present writ petition requires examination. The observations made in this order is made solely for the purpose of a preliminary examination for passing the present order which is subject to the final outcome based on the rival pleadings.

**7.** Issue notice upon the respondents. Mr. Zangpo Sherpa, learned Additional Advocate General appears on behalf of State respondent nos. 1, 3 and 4 and Mr. Bhusan Nepal, learned counsel appears for respondent no.2 and accepts notice and waives formal notice thereof.

**8.** Admit. Counter affidavit may be filed within four weeks. Two weeks thereafter to the petitioners to file rejoinder, if any.

**9.** List on 23.03.2026 before the appropriate Bench.

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In the meanwhile, in the interest of justice, the SPSC shall permit all the petitioners to appear for the viva voce which are scheduled to take place on 18.11.2025, 19.11.2025 and 20.11.2025 subject to the final outcome of the writ petition. It is accordingly so ordered. The respondents are permitted to seek variance of this order by filing an appropriate application if necessary.

**Judge**