



WP(PIL) No. 11/2016
Shamsher Gurung vs. State of Sikkim & Ors.

BEFORE
MR. JUSTICE SATISH K. AGNIHOTRI, CJ &
MRS. JUSTICE MEENAKSHI MADAN RAI, J.

06. 22.06.17 Present: Dr. Doma T. Bhutia, Ms. Rachhitta Rai and Ms.
(Agnihotri, CJ) Babita Rai, Advocates for the petitioner.

Mr. A. Mariarputham, Advocate General, Mr. Karma Thinlay, Sr. Government Advocate with Mr. S.K. Chettri and Ms. Pollin Rai, Asstt. Govt. Advocates for Respondents No. 1, 2 and 3.

Mr. A. Moulik, Sr. Advocate with Mr. Ranjit Prasad, Ms. Tshering Uden Sherpa and Ms. Archana Sharma, Advocates for Respondent No. 4.

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Questioning the legality of appointment of fourth respondent on the post of Secretary, Legal, Legislative and Parliamentary Affairs Department, Government of Sikkim, vide notification dated 06th October, 2016, the instant petition is filed by a public spirited person. The petitioner has further questioned the legality of notification dated 05th October, 2016, wherein the Government of Sikkim (Allocation of Business) Rules, 2004 was amended to accommodate the fourth respondent.

It is brought to our notice that subsequently, the appointment of fourth respondent has been withdrawn vide notification dated 03rd February, 2017. Thus, according to the learned Advocate General, nothing survives for adjudication.

Learned counsel appearing for the petitioner fairly submits that in view of the subsequent development,



whereby the initial challenge has come to an end, nothing survives for adjudication in this petition.

This is a well-settled proposition of law that the issue, which has become academic, may not be adjudicated for want of facts.

Accordingly, the writ petition stands disposed of as having become academic and infructuous.

Judge
22.06.2017

Chief Justice
22.06.2017

jk/ds **Index : ~~Yes~~ / No**
 Internet : Yes / ~~No~~