



**W.P. (PIL) No. 03/2017**

SHAMSHER GURUNG

Petitioner (s)

VERSUS

STATE OF SIKKIM & ORS.

Respondent (s)

**Date: 16/07/2019**

**CORAM :**

**HON'BLE MR. JUSTICE VIJAI KUMAR BIST, CJ.  
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, J.**

For Petitioner (s)

Ms. Tashi Choden Trokhangpa,  
Advocate

For Respondent (s)

Mr. Thinlay Dorjee Bhutia, Govt.  
Advocate,, Mr. S.K. Chettri and Ms.  
Pollin Rai, Asst. Govt. Advocates.

For R-1 to R-3

For R-4

None.

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The Writ Petition was filed by the Petitioner seeking *inter alia* the following reliefs viz.; quashing the Notification dated 17.06.2006 having been issued illegally, without any source of law, in violation of the provisions of the Constitution. Quash and set aside all appointments made under the Sikkim State Public Service, Act, 2006, vide the impugned notification bearing No. 33/LD/06, dated 17.06.2006 as ultra-vires the Constitution and to direct the State Respondents to produce lists of all appointments made under the said impugned notification and quash the same. It was also prayed that the impugned illegal appointment of Respondent No.4 vide Notification no.65/HOME/2012 dated-15/09/2012, Notification no.66/HOME/2012



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dated-15/09/2012, Notification no.67/HOME/2012 dated-15/09/2012 and Notification no.68/HOME/2012 dated-15/09/2012 be quashed. A direction was sought to the State Respondents to produce all the documents related to appointment of Respondent No.4 to various posts after he voluntarily retired from the Sikkim Superior Judicial Service and to quash the same. Further, Shri R. K. Purkayastha be restrained from carrying out any function till the final disposal of this matter.

2. On 08.04.2019, when the matter was taken up for hearing by this Court, learned Senior Counsel, Mr. N. Rai submitted that the appointment of Respondents No. 5 to 37 against various posts have been revoked by the Government. Hence the names of the respondents be removed from the array of respondents. The same was accordingly complied with by the Registry on no objection being raised by the opposing counsel.

3. The Writ Petition so far as the said respondents were concerned was thus rendered infructuous.

4. Today, the learned Government Advocate has furnished a copy of the order bearing No. H/C/112/2017/27/242, dated 31.05.2019, issued by the Home Department, Government of Sikkim, relieving Shri R.K. Purkayastha, Advisor-cum-Principal Secretary, Legal, Legislative & Parliamentary Affairs Department, Government of Sikkim, of his charge with immediate effect.



5. It is submitted by learned counsel for the petitioner that as all the private respondents have been removed from their posts, towards this end the Writ Petition is infructuous hence she seeks to withdraw the same.

6. Considered.

7. No objections raised.

8. Writ Petition stands dismissed as withdrawn.

**Judge**  
16.07.2019

**Chief Justice**  
16.07.2019

Index : ~~Yes~~ / No  
Internet : Yes / ~~No~~

jk/ds/bp