

HIGH COURT OF SIKKIM
Record of Proceedings

WP (C) No. 70/2017

DR. BANDANA SARDA

PETITIONER (S)

VERSUS

STATE OF SIKKIM & ORS.

RESPONDENT (S)

Date: 05/09/2019

CORAM :

HON'BLE MR. JUSTICE VIJAI KUMAR BIST, CJ.

For Petitioner (s) : Mr. A. Moulik, Sr. Advocate with Ms. K.D. Bhutia, Mr. Ranjit Prasad and Mr. Ateendra Raj Bagdas, Advocates.

For Respondent (s)
For R-1 & R-2 : Dr. Doma T. Bhutia, Addl. Advocate General, Mr. S.K. Chettri, Ms. Pollin Rai, Asstt. Government Advocates and Mr. Jigme Bhutia, Advocate (HRDD).

For R-3 : Mr. J.B. Pradhan, Sr. Advocate with Mr. Bhusan Nepal, Advocate.

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Main prayer of the petitioner is for regularization of her services on the post of Assistant Professor.

It is submitted by Dr. Doma T. Bhutia, learned Additional Advocate General that there is no sanctioned vacant post for general category candidate, therefore, the case of the petitioner is not being considered for regularization.

Considering this fact, this Court cannot compel the respondents to regularize the petitioner at this stage. However, it is directed that as and when regular vacant post for general category is available with the respondent Department, the

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respondent shall consider the case of the petitioner for regularization.

It is made clear that the respondent-Department will not deny the petitioner the benefit of regularization on the ground that the petitioner has not been successful in the examination which was conducted for the post to be filled up by direct recruitment.

With the above direction, the petition is disposed of.

This order is passed with the consent of learned counsel for the parties.

Chief Justice
05.09.2019

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

jk/avi