

HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings**IA No. 03/2023**
IN
WP(C) No. 51/2022

BHAWESH GAZMER AND ORS.

APPLICANT (S)

VERSUS

STATE OF SIKKIM & ORS.

RESPONDENT (S)

For Applicant : Mr. Anirudh Gupta, Advocate.

For Respondent : Mr. Thinlay Dorjee Bhutia, Govt. Advocate with
Nos. 1 & 3 to 7 Ms. Pema Bhutia, Asst. Govt. Advocate.

For Respondent No.2 : Mr. Karma Sonam Lhendup, Advocate.

Date: 12/01/2023**CORAM :****HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE**

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ORDER : (per the Hon'ble, the Chief Justice)

The instant interlocutory application has been filed on 9th January, 2023, as an urgent application to be taken up by the Vacation Bench of this Court primarily on the ground that on 3rd November, 2022, the respondent no. 2 has announced the date for preliminary examination which is scheduled to be held on 16th January, 2023, and that the name of petitioner no. 4 was not mentioned in the eligible list.

This application, however, is totally silent about the fate of petitioner nos. 1, 2, 3, 5 and 6. Since the writ petition was moved jointly, the cause of action of petitioner no. 4 appears to be distinct and cannot be espoused independently.

That apart and in any event, the Regular Bench of this Hon'ble Court had in the order dated 9th December, 2022, taken note of the fact that the concerned examination was scheduled to be held sometime in January, 2023. From that date, till today, there has been no change of circumstances which

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could have prompted filing of this interlocutory application where the cause of only one of the petitioners (i.e. petitioner no. 4) is sought to be espoused.

This interlocutory application is nothing but an abuse of process of Court and on this ground alone, the application is liable to be dismissed and stands accordingly dismissed.

The main matter alongwith other interlocutory applications, if any, shall be taken up by the Regular Bench on the date, as fixed.

(Biswanath Somadder)
Chief Justice

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