

WP (PIL) No. 01/2023

MR. NAVRAJ TIWARI

PETITIONER (S)

VERSUS

STATE OF SIKKIM AND ORS.

RESPONDENT (S)

For Petitioner : Mr. Sajal Sharma, Mr. Kazi Sangay Thupden, Ms. Roshni Chettri, Ms. Shreya Sharma and Ms. Puja Kumari Singh and Prerana Rai, Advocates.

For Respondent Nos. : Mr. Zangpo Sherpa, Additional Advocate General
1 to 3 with Mr. S. K. Chettri and Mr. Yadev Sharma, Government Advocates with Mr. Sujan Sunwar, Assistant Government Advocates.

For Respondent Nos. : Ms. Sangita Pradhan, Deputy Solicitor General of
4 and 5 India with Ms. Natasha Pradhan and Ms. Purnima Subba, Advocates.

Date: 18/05/2023

CORAM:

**HON'BLE MR. JUSTICE BISWANATH SOMADDER, CHIEF JUSTICE
HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE**

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

This Public Interest Litigation is centered around applying the provisions of the Rights of Persons with Disabilities Act, 2016, particularly, sections 33 and 34 thereof, within the State of Sikkim. The said two provisions are in respect of identification of posts for reservation and reservation by the appropriate Government of a certain percentage of posts in every Government establishment.

We had earlier given the State of Sikkim an opportunity to file their report in the form of an affidavit, which has been filed by the competent authority of the State of Sikkim in the meanwhile. Reply thereto has also been filed on behalf of the petitioner.

After perusing the papers before us, we notice that the following statement has been made on behalf of the State of Sikkim in paragraph 11 of the report in the form of an affidavit:-

"**11.** Therefore, in view of the above facts and circumstances, it is humbly submitted that the State Government has been complying the provisions of 1995 Act as well as 2016. However, in regard to Section 33 clause (ii) of the PWDs Act, 2016 regarding the constitution of committee, the State Government shall take necessary and appropriate steps for the same within a reasonable period of time by duly constituting a committee. The said committee shall comply Section 33 (iii) of the PWDs Act, 2016 by taking periodic review as per the requirement of the said clause."

Having regard to the above statement made on behalf of the State of Sikkim, we are of the view that no further order is required to be passed in respect of the instant Public Interest Litigation, since we are assured by the State of Sikkim that they are taking appropriate action in the matter. It is expected that the State of Sikkim shall take all necessary steps within a reasonable time-frame and not cause unnecessary delay in implementing the statutory mandate as contained under sections 33 and 34 of the Rights of Persons with Disabilities Act, 2016.

The writ petition stands disposed of accordingly.

(Meenakshi Madan Rai)
Judge

(Biswanath Somadder)
Chief Justice

jk/ds/avi