

HIGH COURT OF SIKKIM : GANGTOK  
Record of Proceedings

**WP (PIL) NO. 02/2025**

TSETEN TASHI BHUTIA PETITIONER (S)  
  
VERSUS  
  
STATE OF SIKKIM AND OTHERS RESPONDENT (S)

- For Petitioner : Mr. A. Moulik, Senior Advocate with Mr. Ranjit Prasad, Ms. Laxmi Khawas and Ms. Neha Kumari Gupta, Advocates.
- For Respondent nos. 1, 2 and 3 : Mr. Aaroahi Bhalla, Additional Advocate General with Mr. Thinlay Dorjee Bhutia, Government Advocate.
- For Respondent no. 5 : Mr. Anubhav Sinha and Mr. Rinzing Dorjee Tamang, Advocates.
- For Respondent no. 6 : Mr. Sujan Sunwar, Assistant Government Advocate.
- For Respondent no. 8 : Mr. Sudhir Prasad and Mr. Sangay Dorjee, Advocates.
- For Respondent nos. 9, 10 and 11 : Ms. Sangita Pradhan, Deputy Solicitor General of India assisted by Ms. Sittal Balmiki and Ms. Natasha Pradhan, Advocates.

**Date: 07/08/2025**

**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)**

On 5<sup>th</sup> June, 2025, we passed the following orders;

“The issue sought to be raised in the instant Public Interest Litigation is more or less identical to the issue raised in another Public Interest Litigation, being WP(PIL) No. 01 of 2024 (Mani Kumar Subba vs. State of Sikkim and Others). That Public Interest Litigation was dismissed by a judgment and order of this Court, which was rendered on 15th May, 2025.

Now, so far as the present Public Interest Litigation is concerned — keeping the point of maintainability aside for the time being — this Court desires to ascertain from the State Government as to whether the rights of the Bhutia-Lepcha communities have been affected, in general, consequent upon the Cabinet decision dated 03<sup>rd</sup> February, 2024, which forms the genesis of the present Public Interest Litigation.

The State Government may, on this brief and limited point alone, file its affidavit-in-opposition to the instant Public Interest

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Litigation, within a period of a fortnight from date. Reply thereto, if any, within one week thereafter.  
List this matter on 26th June, 2025, for further consideration.”

Consequently, the State Government has filed its affidavit-in-opposition, paragraph 3 whereof hereinbelow:-

“3. The State respectfully submits that the cabinet decision dated 03.02.2024 was taken in the best interest of the residents of the State in general which includes the Bhutia-Lepcha Community. The decision being in the welfare of the State, it includes the welfare and well being of the members of the Bhutia-Lepcha Community and at any rate not adverse to their interest.”

According to the learned Advocate for the writ petitioner, the above quoted paragraph lacks detailed analysis.

We are of the considered view that the paragraph 3 specifically reiterates that the Cabinet decision dated 03<sup>rd</sup> February, 2024, was taken in the best interest of the residents of the State in general which includes the Bhutia-Lepcha Communities. In our view, this specific assertion made by the State Government is good enough for the purpose of coming to a conclusion that the allegations made in the instant Public Interest Litigation are totally unfounded and no decision has been taken by the State Government which compromises with the welfare and well-being of the Bhuita-Lepcha communities.

In such circumstances, the instant Public Interest Litigation is liable to be dismissed and stands accordingly dismissed.

**(Meenakshi Madan Rai)**  
**Judge**

**(Biswanath Somadder)**  
**Chief Justice**

jk/ds/ami