

HIGH COURT OF SIKKIM : GANGTOK
Record of Proceedings

WP(PIL) No.05/2020

IN RE: INTRODUCTION OF SCIENCE STREAM AND INFRASTRUCTURAL DEVELOPMENT OF J.N.V. PAKYONG

For Petitioner : Mr. N. Rai, Sr. Advocate as Amicus Curiae.
Ms. Malati Sharma, Advocate

For Respondents No. 1 to 4 : Dr. Doma T. Bhutia, Addl. Advocate General
Mr. S.K. Chettri, Govt. Advocate.
Ms. Pema Bhutia, Asst. Govt. Advocate.

For Respondents No.5 to 8 : Ms. Sangita Pradhan, Asst. Solicitor General.

Date: 21/12/2021

CORAM:

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

...

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

On 30th November, 2021, we had directed the learned Assistant Solicitor General to place on record on the next date, the specific assurance given by the State to Jawahar Navodaya Vidyalaya, Pakyong, to provide the said Vidyalaya with additional land. An affidavit has been filed in the Court consequent thereto on 11th December, 2021, by the respondents no.5 and 6, being the Principal, Jawahar Navodaya Vidyalaya, Pakyong and Navodaya Vidyalaya Samity, respectively. This affidavit does not anywhere specifically reveal any assurance given by the State to Jawahar Navodaya Vidyalaya, Pakyong, to provide the said Vidyalaya with additional land.

In this regard, the learned Additional Advocate General of the State of Sikkim has referred to her client's affidavit which was affirmed on 12th November, 2021, as well as a response to the affidavit dated 11th December, 2021 of the Jawahar Navodaya Vidyalaya, Pakyong, which was affirmed on 17th December, 2021. According to her, these affidavits filed on behalf of the State of Sikkim reveal that recently the Additional Chief Secretary, Education

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Department, Government of Sikkim, has written a D.O. letter dated 19th October, 2021, addressed to the Secretary, Department of School Education and Literacy, Ministry of Education, Government of India, wherein he has stated *inter alia* as follows;

“
This being a special case, I once again request for special consideration for providing financial assistance to Government of Sikkim to the tune of Rs. 6 Crores for purchase of the said land.
.....”

In view of the stand taken on behalf of the State of Sikkim, which is reflected in the letter dated 19th October, 2021, we do not find any further reason to keep this Public Interest Litigation pending. We, however, request all authorities concerned to ensure smooth functioning of Jawahar Navodaya Vidyalaya, Pakyong, without any hindrance or obstacle from any quarter and also request both the State Government and Central Government to act in harmony together in order to further the cause of education amongst children studying in this educational institution.

WP(PIL) No. 05 of 2020 stands accordingly disposed of.

(Meenakshi Madan Rai)
Judge

(Biswanath Somadder)
Chief Justice