

# THE HIGH COURT OF SIKKIM : GANGTOK

(Civil Extraordinary Jurisdiction)

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**SINGLE BENCH : THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE**

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WP(C) No.57 of 2025

**Petitioner** : Sikkim Public Service Commission

**versus**

**Respondents** : Sikkim Information Commission and Another

Application under Article 227 of the Constitution of India

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**Appearance**

Mr. Aarohi Bhalla, Senior Advocate (*through VC*) with Mr. Bhusan Nepal, Advocate for the Petitioner.

Mr. Thinlay Dorjee Bhutia, Advocate for the Respondent No.1.

Mr. Anirudh Gupta, Advocate (Legal Aid Counsel) for the Respondent No.2.

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Date of Hearing : 15-05-2026

Date of Judgment : 15-05-2026

Date of Uploading : 16-05-2026

## JUDGMENT (ORAL)

Meenakshi Madan Rai, J.

**1.** The Sikkim Public Service Commission (SPSC), Petitioner herein, is before this Court seeking the following reliefs;

- "a. Quash and set aside the impugned order dated 17.06.2025 and 22.07.2025 passed by State Information Commission (Respondent No.1), as being without jurisdiction, contrary to the provisions of the RTI Act, 2005;
- b. Hold and declare that the petitioner (SPIO) was justified in denying disclosure of the information sought being exempted under section 8(1)(j) of the RTI Act, 2005;
- c. Stay the operation and effect of the impugned order dated 17.06.2025 and 22.07.2025 passed by the Respondent No.1, during the pendency of this writ petition;
- d. Pass such order(s) as this Hon'ble Court may deem fit and proper in the interest of justice."

**2.** While impugning the Orders dated 17-06-2025 and 22-07-2025, passed by the Sikkim Information Commission, Gangtok,

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Sikkim, Respondent No.1 herein, in Appeal No.3/SIC/2025, dated 14-05-2025 [*Mr. Ashif Pradhan vs. State Public Information Officer (SPIO), Sikkim Public Service Commission, Gangtok, Sikkim*], it is averred that the Respondent No.2 herein, had filed an application under the Right to Information Act, 2005 (hereinafter, "RTI Act"), dated 18-02-2025, before the Petitioner, State Public Information Officer (hereinafter, "SPIO"), SPSC, seeking certain information under the provisions of the RTI Act. The information sought *inter alia* pertained to making over to the Respondent No.2 the list of candidates who had cleared the Sikkim Services (Combined Recruitment) Mains Examination, 2022, for recruitment to the posts of Accounts Officer, Under Secretary and Deputy Superintendent of Police, along with their Roll numbers and marks obtained by them. The Respondent No.2 had also sought the list of candidates who were Persons with Disabilities (PWD) in the same examination, the marks obtained by them and categories of disability. The Petitioner vide letter dated 25-03-2025 furnished some of the information sought to the Respondent No.2.

**(i)** The Respondent No.2 being dissatisfied with the information furnished as the Petitioner had declined to provide all of the information sought for, filed an Appeal before the First Appellate Authority, SPSC, on 02-04-2025, assailing the information provided by the Petitioner. The First Appellate Authority, after hearing the parties, ordered the Petitioner to furnish the relevant information, viz., to allow the Respondent No.2 inspection of the roll number and marks of the lone candidate who submitted written consent for disclosure under Section 11(1) of the RTI Act. It was further ordered that the marks of those candidates who denied consent

under Section 11(1) of the RTI Act shall not be disclosed in accordance with Section 8(1)(j) of the RTI Act. It was also noted by the First Appellate Authority in the said order that, the Petitioner had informed the Respondent No.2 that the cut-off marks for the Mains Written Examination was 33%, which was duly acknowledged by the Respondent No.2.

**(ii)** Aggrieved by the Order of the First Appellate Authority, the Respondent No.2 was before the Second Appellate Authority, Sikkim Information Commission, vide Appeal dated 07-05-2025, impugning the order of the First Appellant Authority, on grounds that the information sought pertains to a public examination and does not infringe on the privacy of any individual nor did such information fall under the exemption of Section 8 or 9 of the RTI Act.

**(iii)** The Second Appellate Authority vide the impugned Order dated 17-06-2025, in Appeal No.3/SIC/2025, dated 14-05-2025, directed the Petitioner *inter alia* to provide the consolidated merit list of all candidates who appeared in the interview/viva-voce, including their marks within fifteen days from the date of order and file compliance before the Commission on or before 03-07-2025. The order also required the Petitioner to consider the genuine prayer pertaining to the disability of Respondent No.2 at the time of hearing.

**3.** The Petitioner herein is aggrieved by the directions of the Second Appellate Authority, hence the instant Petition.

**4.** The Respondents No.1 and 2 filed their respective Counter-Affidavits. The Respondent No.2 averred that not only was he aggrieved by the incomplete disclosure made by the Petitioner

but he was also aggrieved by the fact that during the hearing conducted on 16-04-2025 by the First Appellate Authority, the Respondent No.2 being a person with hearing impairment had sought permission in advance, for a family member to accompany him, to effectively participate in the proceedings. Despite such request, the First Appellate Authority rejected the same on grounds that the Respondent No.2 was only 55% hearing impaired and thereby compelled him to participate alone in the hearing without adequate assistance. The Respondent No.2 prays that the Writ Petition be dismissed with exemplary costs as not being maintainable and barred under Sections 19(7) and 23 of the RTI Act and to direct the Petitioner to immediately comply with the impugned Orders dated 17-06-2025 and 22-07-2025 of the Sikkim Information Commission.

**5.** Heard Learned Counsel for the parties and the Respondent No.2 *in extenso* and perused the documents relied on by them.

**6.** While reiterating the averments made in the Writ Petition, it is submitted by Learned Senior Counsel for the Petitioner that the Second Appellate Authority vide its Order dated 17-06-2025 *inter alia* ordered the SPIO of the Petitioner to provide the consolidated merit list of all candidates who appeared in the interview/viva-voce and their marks within fifteen days from the date of Order and to file a compliance report before the Commission on or before 03-07-2025. He further submits that he has given legal advice to the Petitioner and urged them in the peculiar facts and circumstances of the matter to comply with the Orders of the Second Appellate Authority. That, the Petitioner is agreeable to the

same and undertakes to provide the consolidated merit list of all candidates as ordered in the Order dated 17-06-2025 subject to the condition that the Respondent No.2 will not put it out on any social media platform.

**7.** Learned Counsel for Respondent No.2 submits that he has no objection to the submissions and the Respondent No.2 shall not put out the information made available to him on any social media platform whatsoever. He however contends that his aggrievement with regard to his hearing impairment detailed *supra* has not been addressed by the Petitioner.

**8.** Having given due consideration to the submissions, let the SPIO of the Petitioner furnish the relevant information to the Respondent No.2.

**9.** The Respondent No.2 shall however ensure that he will not put it out on any social media platform as undertaken by him before this Court.

**10.** Needless to add that, necessary steps will follow if the orders of this Court are flouted by Respondent No.2 despite his undertaking.

**11.** With regard to the grievance of the Respondent No.2 that the First Appellate Authority failed to allow a family member to accompany him to the hearing despite his disability, i.e., hearing impairment, in my considered view, since the Second Appellate Authority had extended the relief to Respondent No.2 as detailed in its Order dated 17-06-2025, I find that the said issue is tangential to the substantive relief claimed, which has already been granted to the Respondent No.2 and requires no further consideration.

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**12.** With the above observations and directions, this Writ Petition stands disposed of.

**13.** Pending applications, if any, also stand disposed of.

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

15-05-2026

Approved for reporting : **Yes**

ds/sdl