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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
KOHIMA BENCH

Case No. : WP(C)/91/2025

SHRI AOCHUBA
S/O SHRI AKANGTEMJEN,
PERMANENT R/O LONGSA VILLAGE,
MOKOKCHUNG 798601, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 6 ORS
THROUGH THE CHIEF SECRETARY
TO THE GOVERNMENT OF NAGALAND,
NAGALAND, KOHIMA

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND

PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT

NAGALAND
KOHIMA

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
NAGALAND

HEALTH AND FAMILY WELFARE DEPARTMENT

NAGALAND
KOHIMA

4:THE PRINCIPAL DIRECTOR

DIRECTORATE OF HEALTH AND FAMILY WELFARE

DEPARTMENT
NAGALAND
KOHIMA

5:THE CHIEF MEDICAL OFFICER

MOKOKCHUNG DIVISION
MOKOKCHUNG
NAGALAND

6:THE DEPUTY COMMISSIONER

MOKOKCHUNG
NAGALAND

7:SMTI. IMTISUNGLA LONGKUMER

D/O SHRI ALEMWATI LONGKUMER

PERMANENT R/O LONGSA VILLAGE

MOKOKCHUNG 798601
NAGALAN

BEFORE

HON'BLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. Sentiyanger, Advocate

For the Respondent(s) : Mr. M. Longkumer, Government Advocate

- Date on which Judgment was reserved : N/A
- Date of Pronouncement of Judgment : **27.05.2026**
- Whether the pronouncement is of the Operative Part of the Judgment : No
- Whether the full Judgment has been Pronounced : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. Sentiyanger, the learned counsel appearing on behalf of the Petitioner and Mr. M. Longkumer, the learned Government Advocate appearing on behalf of the Respondent Nos. 1 to 6. None has appeared on behalf of the Respondent No.7 in spite of service having been meted out.

2. The present writ petition has been filed by the Petitioner being aggrieved by the approval granted by the Government for appointment of the Respondent No.7 to the post of Grade-IV (Sweeper) at Longsa, PHC under CMO, Mokokchung vide the communication dated 20.05.2025.

3. This Court has duly taken note of the affidavit-in-opposition which has been filed by the Respondent Nos. 1 to 6 through the Additional Secretary, Health and Family Welfare Department, Government of Nagaland.

4. From a perusal of the said affidavit-in-opposition, it is apparent that the Mongosangdang Clan, Sempo Clan and Kumbor Clan had donated lands for the construction of the Longsa, PHC. Annexures 1 to 6 of the said affidavit-in-opposition further show that each of the clan has taken

benefits of appointment on land ownership basis not once but twice. At Paragraph No.6 of the said affidavit-in-opposition, it is also made clear that in terms with the Notification dated 05.03.2018, appointment cannot be claimed on land ownership basis in perpetuity.

5. This Court is of the opinion that as members of the three clans have already availed benefits of granting appointment on land ownership policies of the State, the members of the three clans would not be further entitled to claim benefits on the basis of the Notification dated 05.03.2018.

6. This Court however is surprised with the stand taken by the official Respondents at Paragraph No.7 wherein in spite of categorically mentioning that these three clans would not be entitled to benefits under the Notification dated 05.03.2018, but then also proceeded to take the applications of the Petitioner as well as the Respondent No.7, both belonging to the same clan for consideration for appointment on land ownership basis. It is further seen that thereupon on the consideration between the Petitioner and the Respondent No.7, the Respondent Authorities have granted the approval for appointment of the Respondent No.7 vide the impugned

communication dated 20.05.2025.

7. It is the opinion of this Court that the policy of the Government to grant employment on land ownership basis is an exception to Articles 14 and 16 of the Constitution. Under such circumstances, when the very policy of the Government categorically mandates that the claim for appointment on land ownership basis cannot be made in perpetuity and after the land owner retires or vacates the post, the vacancy has to be filled up through open advertisement in consonance with the existing Government Policy giving equal opportunities to all the applicants, the Respondent Authorities could not have considered the claim of the Petitioner as well as the Respondent No. 7 on land ownership. Accordingly, the impugned communication dated 20.05.2025 granting approval for appointment to the Respondent No.7 requires interference.

8. Considering the above, the instant writ petition therefore stands disposed of with the following observations and directions:

(i) The impugned communication dated 20.05.2025

issued by the Additional Secretary, Government of Nagaland, Health and Family Welfare Department, Nagaland, Kohima whereby the Government approval was granted for the appointment of the Respondent No.7 as a Grade-IV (Sweeper) at Longsa PHC under CMO Mokokchung is set aside and quashed.

- (ii) The post of Grade-IV at Longsa PHC under CMO Mokokchung be filled up by way of an open advertisement as per the policy of the Government of Nagaland.
- (iii) Taking into account that when the Petitioner filed the instant writ petition, the Petitioner was 34 years of age i.e. well within the permissible age to apply pursuant to any advertisement and on account of the delay in disposal of the instant writ petition, the Petitioner as on date has crossed the age of 35 years, the Respondent Authorities shall consider the Petitioner's case for age relaxation, if permissible under the extant laws.

(iv) Interim order passed earlier stands vacated.

JUDGE

Comparing Assistant