

GAHC030000022017



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

Case No. : Cont.Cas(C)/21/2017

Mizoram Gorkha Sangh and Anr
Aizawl

2: Hari Bahadur Thapa
President of Mizoram Gorkha Sangh
Bungkawn opposite Lai House
Aizaw

VERSUS

Lalmalsawma and 4 Ors
New Secretariat Complex, Aizawl

2:Lalrinnliana Fanai
IAS
Secretary
Home Dept. Govt. of Mizoram
Aizawl

3:Arvind Ray
Chief Secretary
Govt. Of Mizoram
Aizawl

4:Lalnunmawia Chuaungo
Secretary
Home Dept. Govt. of Mizoram
Aizaw

Advocate for the Petitioner : Mr Saurabh Pradhan

Advocate for the Respondent : Mr Samuel Vanlalhriata Chhangte for R1 - R2

Linked Case : I.A.(Civil)/113/2021

Mizoram Gorkha Sangh and Anr.
Aizawl

2: Sh. Hari Bahadur Thapa
Bungkawn
Aizawl
Mizoram
VERSUS

Sh. Lalmalsawma
Ex Secretary to the Govt. of Mizoram
New Secretariat Complex
Aizawl
Mizoram

2:Sh. Lalrinliana Fanai
Ex Secretary to the Govt. of Mizoram
Home Department
Aizawl

3:Sh. Arvind Ray
Ex Chief Secretary to the Govt. of Mizoram
Aizawl

4:Sh. Lalnunmawia Chuaungo
Ex Chief Secretary to the Govt. of Mizoram
Aizawl

5:Smt. Renu Sharma
I.A.S.
New Chief Secretary to the Govt. of Mizoram
Aizawl

Advocate for the Petitioner : Mr Saurabh Pradhan
Advocate for the Respondent : Mr Samuel Vanlalhriata Chhangte

**BEFORE
HONOURABLE MRS. JUSTICE MARLI VANKUNG
ORDER**

Date : 27.02.2023

Heard Mr. Ricky Gurung, learned counsel for the petitioners along with Mr. L.H.

Lianhrima, learned Senior counsel for respondent Nos. 3 & 4.

The learned counsel for the respondent has mentioned that the Writ Appeal No. 12/2022, which was pending before the Principal Seat has been disposed of vide its Judgment & Order dated 09.02.2023, in view of which, the instant contempt petition is now infructuous.

The learned counsel for the petitioner submits that a time period may be given for the State Government to comply with the directions given in Writ Appeal No. 12/2022.

On hearing both the parties and on perusal of the Writ Appeal No. 12/2022 dated 09.02.2023, it is seen that this contempt petition arose from WP(C) No. 188/2016, wherein this Court had directed that the State respondents shall pass appropriate orders in terms of the decision of the Permanent Body dated 26.08.2011, regarding the Gorkhas to be listed as OBC. However, on appeal, the Appellate Court had decided as follows:-

“12. In view of the above, the State Government shall accept the recommendation of the Permanent Body taken on 26.08.2011 regarding the Gorkhas as members of the other Backward Classes (OBC). However, if the State Government does not agree with the said recommendation, which is ordinarily binding, the State Government must record its reason(s) therefor.”

In view of the above, since the State Government is yet to decide whether they agree with the recommendation of the Permanent Body dated 26.08.2011 to include the Gorkhas as members of the Other Backward Classes and if not, to record its reasons. The petitioners are to await for the decision of the State Government at this stage. Thus, this Court finds that the instant contempt petition has now become

infructuous.

For the above reasons, the Contempt Case No. 21/2017 stands closed and disposed.

JUDGE

Comparing Assistant