

GAHC030001692022



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

Case No. : WP(C)/46/2022

Sh. T. Lalzirliana and 186 Ors.
Samtlang

VERSUS

State of Mizoram and 3 Ors.
Aizawl2:Secretary
Govt. of Mizoram
Health and Family Welfare Deptt.

3:Secretary
Govt. of Mizoram
DP and AR
Aizawl

4:Director of Health Services Deptt.
Govt. of Mizora

Advocate for the Petitioner : Mr F Lalengliana

Advocate for the Respondent : Mrs. H Lalmalsawmi (GA, Mizoram) for R1-R4

Linked Case : I.A.(Civil)/94/2022

T. Lalzirliana and 186 Ors.
Samtlang
Aizawl District
Mizoram

VERSUS

State of Mizoram and 4 Ors.
Aizawl
Mizoram

Advocate for the Petitioner : Mr F Lalengliana
Advocate for the Respondent :

B E F O R E
HON'BLE MR. JUSTICE NELSON SAILO
HON'BLE MRS. JUSTICE MARLI VANKUNG
ORDER

17.05.2023

Heard Mr. F. Lalengliana, learned counsel for the petitioners and Mrs. H. Lalmalsawmi, learned Government Advocate appearing for the State respondents.

2. By filing this writ petition, the petitioners have sought for a direction to the State respondents to make appropriate amendment at Column No. 1 and 2 of Annexure 1 of the Mizoram Health and Family Welfare Department (Group 'C' post) Recruitment Rules, 2011 (Rules of 2011). According to the petitioners, as per the post

creation orders starting from 22.03.1983, separate posts were created for Health Worker (Female) and Health Worker (Male). Similarly, separate posts were also created for Health Supervisor (Male) and Health Supervisor (Female). However, as per Rules of 2011, no distinction has been made between Male and Female Health Worker and therefore, the same has created an issue amongst the Male and Female Health Workers when it comes to their further promotion to the next higher post of Health Supervisor. Therefore, the petitioners seek for a direction to the State respondents for making appropriate amendment to the Rules of 2011.

3. Against the writ petition, the State respondents have filed an affidavit-in-opposition on 14.10.2022, wherein it is stated that the Draft Recruitment Rules prepared by the Service Association was forwarded by the Director of Health Services, Government of Mizoram, Aizawl to the Under Secretary to the Government of Mizoram, Health & Family Welfare Department, vide Communication dated 07.06.2022 alongwith a self contained note and justification on the proposed amendment of the Rules concerned. As per the Draft Recruitment Rules, out of the total 787 posts of Health Worker both Male and Female, 382 posts are shown as Male post and 405 post as Female post. The learned Government Advocate submits that in view of the pendency of the writ petition, the State Government is not in a position to consider the proposal and take a final decision.

4. To this submission, Mr. F. Lalengliana, learned counsel for the petitioners submits that since the proposal forwarded to the State Government is in the interest

of the petitioners, who are Health Worker (Male), he would not like to press the matter and that the matter be left for the Government to decide in terms of the proposed amendment.

5. In view of above, the writ petition stands disposed of as not pressed.

JUDGE

JUDGE

Comparing Assistant