

GAHC030003582023



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

Case No. : WA/4/2023

T.Lalzirliana and 185 Ors.
S/o T.Ropianga (L), Samtlang, Mizoram

2: Walter Biakvela

3: Lalrinliana

4: F.Vanlalruata

5: Lalhriatpuia

6: Vanhmingthanga

7: R.Lalchungnunga

8: Christopher Lalrinsanga

9: ZD Dengsailova

10: Albert Lalruatkima

11: Lalhminghsanga

12: H.Lalmuanawma

13: C.Laldinlana

14: R.Lalmuankima

15: Dominic C.Zothanpuia

16: Lalngaihzuala

17: C.Lalrinthanga

18: Lalhuma Ralte

19: Lalrinngama

20: Stephen Lalropuia

21: H.Lalrokima

22: Regan Lalhruaitluanga

23: Lalremsanga

24: R.Vanlalnghaka

25: Malsawmtluanga

26: Hunlawmawma Ralte

27: Ngursangzuala

28: Saihmingliana Sailo

29: C.Lalthianghlina

30: Hmingthantluanga

31: C.Hmangaihchangliana

32: Sanglianthanga

33: B.Vanlalmangaiha

34: J.Vanlalthanga

35: F.Malsawmtluanga

36: K.Lalfakawma

37: Saihmingliana Sailo

38: C.Lallawmzuala

39: Lalrinsanga Lushai

40: K.Khawlvuana

41: H.Bawihrosiama

42: Lalchhuanawma

43: Vanlalthasanga

44: Lalrinenga

45: KC Manliana

46: P.Lalpianmawia

47: PC Lalhlimpaia

48: RH Hmunliana

49: Lalduhawma

50: Lalduhsanga

51: Vanlalhruaia

52: Lalrosanga

53: R.Lalramzauva

54: T.Lalrammawia

55: R.Vanlalchhanhima

56: K.Lalliantluanga

57: C.Lalrosanga

58: Lalthanmawia

59: Sairengpuia Sailo

60: Samuel Hmar

61: Thangkhanluna

62: Lalmalsawma Chhangte

63: Samuel R.Lalkohbika

64: H.Lalnunthara

65: R.Lalbiakkima

66: MC Laltlanliana

67: F.Vanlalfela

68: Lalhluzuala

69: Jeno Vanlalruata

70: Albert Lalremkima

71: Lalthanmawia

72: Peter Lallawmkima

73: R.Buangthanga

74: R.Lalthanliana

75: Vanlaldika Sailo

76: T.Lalbiakthuama

77: John Lalngaihawma

78: Vanlalramchhana

79: PC Lalfakawma

80: K.Kapkunga

81: T.Lalmuanpuia

82: Lalramzauva

83: H.Rosangliana

84: Samson Lalchhuanawma

85: Daniel Vanlalrema

86: R.Zothantluanga

87: MS Zorema

88: Hmingduhawma

89: Lalrinchhana

90: A.Laltanpuia

91: Lalrintluanga

92: Lalramthara

93: C.Lallawmkima

94: Lalrindika

95: Lalramthanga Chawngthu

96: Zairemkima

97: Rotluangliana

98: Lalhlimpuia

99: R.Vanlalmuana

100: Lalrinchhana

101: PC Rosangzuala

102: Enoch B.Vanlalvena

103: K.Lalhminganga

104: Lalhrulaitluanga

105: Robert Lalnunmawia

106: R.Lalrohlupuia

107: Lalremtluanga

108: Lalngaihdama

109: Lallawmkima Fanai

110: Lalhmachhuana Pachuau

111: RK Malsawmkima

112: F.Vanlalhruaia

113: F.Lalmangaiha

114: F.Ramengmawia

115: P.Lalthanzuala

116: H.Lianhmingthanga

117: C.Jacob

118: Chawngthansiam

119: Samuel Vanlalruata

120: R.Rosangzuala

121: Lalruatkima

122: Lalzamlova

123: K.Lallawmzuala

124: S.Lalramzauva

125: Zorempuia

126: Chanchinmawia Fanai

127: Vanlalhruaia

128: Joseph Lalnunmawia

129: Eddie Lalhruitluanga

130: C.Laldawngliana

131: HC Lalruatzuala

132: S.Lalrinliana

133: LH Lalzawmliana

134: S.Lalnithanga

135: F.Lalthanzuala

136: MC Vanlalmuanpuia

137: Ronghaka

138: C.Lalngaizuala

139: F.Lalremtlunga

140: Saithangpuia Sailo

141: K.Vabehlo

142: Khaibei V.Zawtha

143: Atluapi T.Azyu

144: K.Mawsia

145: Beithlalo Hlychho

146: K.Ngohra

147: Calvin Vanlalsawmliana

148: B.Thangpuia

149: Gospel Zarzoliana

150: Lalthawmliana

151: RC Laldailova

152: H.Biakhnuna

153: Lalrampara

154: Samuel Lalthanpuia

155: Ngursangzuala

156: J.Lianmawia

157: V.Lalrintluanga

158: Zonunmawia Ralte

159: Lalnunmawia

160: C.Vanlalsawma

161: R.Zoremsanga

162: Lalramliana

163: Zothantluanga

164: K.Rothangpuia

165: T.Daniela

166: VP Zathang

167: Zodinliana

168: B.Krishna Chandra Chakma

169: Dinesh Chakma

170: Sanghmingliana

171: C.Lalramchhana

172: Vanlalhlua

173: Malsawmtluanga

174: Lalthakima

175: Lalzarzova

176: Lalbiakfela

177: PC Lianghawra

178: John Lalpianmawia

179: Lalhruaitluanga Hrahse

180: H.Lalhmachhuana

181: Solomon Vanlallawmzuala

182: K.Vanlalthuma

183: VL Rambuatsaiha

184: K.Zosangpuia

185: Samuel Pachua

VERSUS

Smt FC Chhunpari and 109 Ors.

D/o Hrangzala (L), C/o Ramhlun Sub-Center, Aizawl

2:H.Lalduhawmi

3:C.Lalmuanpuia

4:R.Vanlalbiaki

5:PC Malsawmkimi

6:RK Zoramthangi

7:Lalnunpuii Pachuau

8:K.Lalchhanhimi

9:K.Zaengi

10:B.Lahlunchhungi

11:Lalthlamuani Ralte

12:H.Lalhmuakliani

13:Zosiamliani

14:Thangzammawii

15:C.Zokhumi

16:H.Lalramthari

17:Laltlanzovi

18:Lalsangpuii

19:Lalthanseii

20:Vanramnghaki

21:Lalhuansiami

22:F.Lalrongaii

23:K.Lalhmgaihtluangi

24:Lalramhluni

25:Lalchhandami

26:Lalengzami

27:K.Lalnuntluangi

28:Lalchawimawii

29:Lalchhawrliani

30:F.Lalhruaitluangi

31:A.Zahnuni

32:Lalthansangi Ralte

33:F.Lalrinsangi

34:F.Hmgaihtlankimi

35:Rosangpuii

36:H.Lalhmunangi

37:Vanlalthawni

38:F.Laldingliani

39:Zahmingliani

40:B.Lalawmpuii

41:Lalrinliani

42:Lalremruati

43:Lalramzami

44:Vanlalthuami

45:Lalhmingliani Sailo

46:C.Zirmawii

47:Lalrengpuii

48:K.Lalneithangi

49:Lalthangpuii

50:Lalchawimawii

51:RK Laldinmawii

52:PC Lalsangpuii

53:Lalneihthuami

54:T.Lallianpuii

55:F.Zothantluangi

56:Nunsangkimi

57:S.Lalhriatpuii

58:F.Lalthansangi

59:C.Laldinpuii

60:Lalnunpuii

61:MC Vanlalthangpuii

62:Sangkungi Vanchhawng

63:F.Lalsangpuii

64:R.Rokimi

65:J.Lalhmunsangi

66:Lalbiakengi Hrahse

67:SB Mangi

68:G.Zavungi

69:H.Zamveli

70:Vanlalhruii Chhakchhuak

71:T.Lalmuani

72:Nupaw Lailo

73:Lalpianmawii

74:Lalthlamuani

75:Zosangpuii

76:Lalmuanawmi

77:Laltawnthangi

78:CS Lawmzuali

79:Zakimi

80:Lalmangaihzuali

81:Suakhmingthangi

82:Biakhmingthangi

83:Lalnunhluni

84:Zothansangi

85:Zaparmawii

86:Helena Ramthangi

87:S.Thangluaii

88:Thuamliani

89:H.Zoduhsangi

90:T.Latlankimi

91:Lalramliani Hnamte

92:Rosangpuii Khiangte

93:Venus Zonunpari

94:T.Lalinmawii

95:Lalhlunchhungi

96:Ralkapzovi

97:HC Lalchhuanawmi

98:LP Lalremsiami

99:Lalawmpuii

100:H.Lalthanmawii

101:C.Lalzarmawii

102:Herodi Lalnunkimi

103:Lalenthangi Hnamte

104:C.Lalnunmawii

105:The State of Mizoram

106:The Secretary to the Govt. of Mizoram

107:The Secretary to the Govt. of Mizoram

108:The Secretary to the Govt. of Mizoram

109:The Principal Director

110:The Director of Health Service

Advocate for the Petitioner : Mr F Lalenglina

Advocate for the Respondent : Mrs. H Lalmalsawmi for R105 - R110

ORDER

B E F O R E

HONOURABLE MR. JUSTICE NELSON SAILO

HONOURABLE MRS. MARLI VANKUNG

19.07.2023

(Nelson Sailo, J)

This Writ Appeal is directed against the Order dated 09.06.2023 passed by the learned Single Judge in WP(C) No. 108/2021 whereby, the learned Single Judge has held that since the Mizoram Health & Family Welfare Department (Group-C Post) Recruitment Rules, 2011 (Rules of 2011) do not make any classification of Health Workers into male and female Health Workers and do not provide that a separate seniority list is to be maintained in respect of Health Worker (Female) and Health Worker (Male) and therefore, there cannot be a separate seniority list and thus directed preparation of a common seniority list for the Health Workers.

[2.] We have heard Mr. F Lalengliana learned counsel for the appellants and Mrs. H. Lalmalsawmi learned Government Advocate appearing for the State respondents. Having regard to the issue involved, the appeal is taken up for disposal at this stage.

[3.] Mr. F Lalengliana, learned counsel submits that the instant appellants were arrayed as respondent Nos. 7 to 193 in the writ petition and it was their contention that the post of Health Worker (Female) and Health Worker (Male) were created separately and therefore, separate seniority list was being maintained for Health Worker (Female) and Health Worker (Male). He further submits that the State Government had also formed a study team to look into the matter. The study team upon examining the issue was in favour of maintaining a separate seniority list for Health Worker (Female) and Health Worker (Male). Therefore, the amendment of the Rules of 2011 was contemplated. It was for this reason that the appellants who had filed WP(C) No. 46/2022 challenging the Rules of 2011 did not press the writ petition and the same was accordingly disposed of. However, the State respondents have not amended the Rules of 2011 as contemplated and in the meantime, the challenge made by the private respondents herein to have a common seniority list was accepted

by the learned Single Judge vide the impugned Order 09.06.2023 which is being challenged in the instant writ appeal. The learned counsel submits that Health Worker (Female) are more in numbers than the Health Worker (Male) and therefore if a common seniority list is made, most of the Health Worker (Male) will not have the opportunity to be promoted to the next higher post of Health Supervisor. He, therefore, submits that the impugned order may be set aside.

[4.] We have considered the submission made by the learned counsel for the appellants and also the learned Government Advocate and that we have also perused the materials available on record including the impugned order dated 09.06.2023.

[5.] The learned Single Judge was of the view that since the Rules of 2011 did not provide for maintaining a separate seniority list for Health Worker (Female) and Health Worker (Male) and that even if the post of Health Worker (Female) and Health Worker (Male) were separately sanctioned, the same will not stand in the way for having a common seniority list in absence of any classification in the Rules of 2011. Although the State respondents may have taken a plea that the Rules of 2011 was going to be amended by providing a provision for common seniority list to be prepared amongst the Health Worker (Female) and Health Worker (Male) but such amendment has not materialized. Therefore, in the absence of any such amendment and at the same time, having regard provisions of Rule of 2011, we see no reason to interfere with the order of the learned Single Judge.

[6.] In view of above, the writ appeal is dismissed.

JUDGE

Comparing Assistant