

GAHC040002362018



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

Case No. : WP(C)/187/2018

SMTY MARDE KAMGO
D/O LT. HOGMAR KAMGO, PRESENTLY SERVING AS TYPIST ALC UNDER
THE ESTABLISHMENT OF DEPUTY COMMISSIONER, WEST SIANG DIST.
AALO, AP. PHONE NO. 9774161263

VERSUS

THE STATE OF A.P.
REPRESENTED BY THE CHIEF SECRETARY, GOVT. OF AP, ITANAGAR.

2:THE COMMISSIONER/SECRETARY

Age: 0

Occupation :

GENERAL ADMINISTRATION CIVIL SECRETARIAT ITANAGAR AP.

3:THE DEPUTY COMMISSIONER

Age: 0

Occupation :

WEST SIANG DIST. AALO AP.

4:SMTY NYAKEN ANGO LOLLEN

Age: 0

Occupation :

PRESENTLY SERVING AA LOWER DIVISION CLERK COMMISSIONER WEST
SIANG DIST. AALO AP.

5:SHRI TONYA ETE

Age: 0

Occupation :

PRESENTLY SERVING AS UPPER DIVISION CLERK UDC UNDER THE
ESTABLISHMENT OF DEPUTY COMMISSIONER WEST SIANG DIST. AALO

Advocate for the Petitioner : M. Kato

Advocate for the Respondent : R. Basar, G.A.
T T Tara
K. Lollen

BEFORE
HONBLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 06-08-2024

Heard Mr. M. Kato, learned counsel for the petitioner. Also heard Ms. R. Basar, learned Government Advocate appearing for the respondent Nos. 1, 2 & 3 and Mr. K. Lollen, learned counsel for the respondent No. 4.

2. The present petition under Article 226 of the Constitution of India is filed assailing an advertisement ,dated 07.03.2018, issued in respect of filing 4 (four) post of Lower Divison Clark (LDC for short) in the Office of the Deputy Commissioner, West Siang District, Aalo, the respondent No. 3, with a further prayer to direct the respondent authorities to consider the case of the petitioner for promotion to the post of LDC from the post of typist which the petitioner is holding as at present.

3. According to Mr. Kato, learned counsel for the petitioner that similarly situated persons have already been regularized in their post of LDC in resultant vacancies and therefore, the case of the petitioner may also be considered by the respondent authorities inasmuch as the petitioner had already filed representation before the authorities. Mr. Kato, learned counsel for the petitioner submits that he will not challenge the appointment of the respondent Nos. 4 & 5.

4. Now at this stage, Ms. R. Basar, learned Government Advocate submits that such an advertisement was not acted upon and therefore, no live cause of action, so far, the challenge to the advertisement is concerned, is there for the present writ petition. However, she submits that if a representation is filed, the employer shall definitely consider the same, however, as per the law and extent norms.

5. In view of the aforesaid consensus, the present writ petition stands disposed of permitting the writ petitioner to file a fresh representation before her employer, namely, the Deputy Commissioner, West Siang District, Aalo i.e. the respondent No. 3.

6. On receipt of such representation, the Deputy Commissioner shall consider the same and pass a reasoned order in this regard as per the extant norms and procedure laid down. Such exercise be carried out within a period of 6 (six) weeks from the date of receipt of the representation along with a certified copy of this order.

7. It is made clear that this Court has not commented on the merit of the claim of regularization of the petitioner as LDC nor on the stand of the respondent State. The Deputy Commissioner is to apply his own mind while considering the case of the petitioner as per the extent norms.

8. With the aforesaid, writ petition stands disposed of.

JUDGE

Comparing Assistant