



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

Case No. : WP(C)/118/2024

Leiki Wangchuk and 2 Ors

Son of Late Chaijang Dorjee, resident of Morshing Village, Po and PS
Kalaktang, West Kameng District, Arunachal Pradesh

2: Nanom Jamoh

Age:

Occupation :

D/o Late M. Tangu, aged about 62 years, resident of Mirbuk village, P.O/P.S.
Pagihat, East Siang District, Arunachal Pradesh.

3: Rillang Chege

Age:

Occupation:

S/o Chapu Chege, age about 34 years, resident of Chege village, P.O/P.S.
Seppa, East Kameng District, Arunachal Pradesh.

VERSUS

The State of AP and 2 Ors

represented by the Secretary, Food and Civil Supplies, Govt of Arunachal
Pradesh, Itanagar

2: The Secretary

Age: 0

Occupation : Food & Civil Supplies, Government of Arunachal Pradesh,
Itanagar.

3:The Member Secretary

Age: 0

Occupation: Food & Civil Supplies, Government of Arunachal Pradesh,
Itanagar.

Advocate for the Petitioner : Dicky Panging, D. Tamuk, Marge D, K. Ado, T. Darin,

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 18-03-2024

Heard Mr. D. Panging, learned counsel for the petitioners. Also heard Mr. N. Ratan, learned Additional Advocate General for the State respondents.

2. The petitioner no. 1 was appointed as Chairperson and the petitioners no. 2 & 3 were appointed as Members to the Arunachal Pradesh State Food Commission vide order dated 01.03.2019, issued by the Secretary to the Government of Arunachal Pradesh (Food and Civil Supplies Department). Their terms in Office were for a period of 5 (five) years w.e.f. the date of appointment and accordingly, the same came to an end on 29.02.2024. The Member Secretary of the Commission, had in the meantime, forwarded a communication to the Government, dated 02.02.2024, recommending reappointment of the petitioners as Chairperson and Members of the Commission, respectively, for a further period of 1 (one) year, in deference to the provision of Section - 4(2) of the Arunachal Pradesh State Food Commission Rules, 2018. However, the said recommendation was not considered by the Government and instead,

advertisement notice, dated 02.03.2024, has been issued, inviting applications for fillip up the vacant posts of Chairpersons (one) and Members (two) in the Arunachal Pradesh State Food Commission. Contending that the writ petitioners were eligible for extension for a further period of 1(one) year and therefore, the Government ought to have considered the recommendation dated 02.02.2024 made by the Member Secretary, favourably, they have approached this Court by filing the instant writ petition seeking a writ of mandamus directing the respondent to extend their tenure for 1 (one) more year.

3. Responding to the grievance expressed in the writ petition, Mr. Ratan, learned Additional Advocate General has invited the attention of this Court to the provisions of Section 16(4) of the National Food Security Act, 2013 as well as the provisions of Section 4 (2) of the Rules of 2018 to submit that the provision is for reappointment of the Chairperson/Member, as the case may be and not for extension of tenure in Office and therefore, unless proper application is submitted by the candidates, seeking reappointment, such a prayer cannot be considered under the Rules.

4. Mr. Panging, learned counsel for the petitioners has also fairly agreed to the said submission that it is not a case of extension but "reappointment". Hence, it would be necessary for the petitioners to submit appropriate applications seeking reappointment.

5. In view of the above consensus reached at the Bar, without making any further comment on the merit of the claim, this writ petition stands disposed of by granting a week's time to the petitioners to submit appropriate application(s)

seeking reappointment in the posts claimed by them. If such application(s) is/are submitted within 7 (seven) days from today, the same be considered and processed as per the provisions of the Act and the Rules and brought to their logical conclusion.

6. With the above observation, the writ petition stands disposed of.

JUDGE

Comparing Assistant