

GAHC040007392019

2024:GAU-AP:1087



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

Case No. : WP(C)/352/2019

- 1.** Ms. Habung Yami, D/o Shri Habung Dibo, Village Reru, PO/PS – Ziro, District Lower Subansiri, Arunachal Pradesh. Present Add: D-Sector, Naharlagun, PO/PS Naharlagun, District Papum Pare, Arunachal Pradesh. Mobile No. 9436696348.
- 2.** Miss Loxmi Jamoh, D/o Shri Tamang Jamoh, Village – Mirsam, PO/PS – Pasighat, District East Siang, Arunachal Pradesh. Mobile No. : 9436087712.
- 3.** Miss Nung Boko, D/o T. Boko, House No. 3, Mahalaxmi Street, Ganapathypuram, East Tambaram, Chennai. Mobile No. 9366071238.

..... Petitioners

-Versus-

- 1.** The State of Arunachal Pradesh represented the Chief Secretary, Government of Arunachal Pradesh, Itanagar.
- 2.** The Secretary, Health and Family Welfare, Government of Arunachal Pradesh, Itanagar.
- 3.** The Union of India represented by the Director, North Eastern Institute of Folk Medicine(NEIFM in short) Pasighat
- 4.** The Director of North Eastern Institute of Folk Medicine(NEIFM in short) Pasighat.

..... Respondents

By Advocates:

For the petitioners: Mr. Tabit Tapak
 Mr. T. Pangkeng
 Ms. Y. Pangu
 Mr. Duyu Laji
 Mr. T. Omo
 Mr. M. Loder

For the respondents: Ms. Pubi Pangu, Government Advocate

Mr. T. Tagum, SC, Health
Mr. M. Kato, DSGI

:::BEFORE:::
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

Date of hearing : 09.12.2024
Date of Judgment & order: 09.12.2024

JUDGMENT & ORDER (ORAL)

Heard Mr. Duyu Laji, learned counsel, appearing on behalf of the petitioners. Also heard Ms. Pubi Pangu, learned Government Advocate, appearing on behalf of Respondent No. 1; Mr. Taba Tagum, learned standing counsel, Health Department, appearing on behalf of Respondent No. 2; and Mr. Marto Kato, learned DSGI, appearing on behalf of Respondents No. 3 & 4.

2. The petitioners by way of instituting the present proceeding, have assailed a decision of the respondent authorities in issuing call letters, dated 01.10.2019, for various posts and scheduling such interview at Delhi. The petitioners have also prayed that the interview is to be so scheduled in the Office of the Director, North Eastern Institute of Folk Medicine(NEIFM), Pasighat.

3. As projected in the writ petition; the petitioners, herein, in pursuance of an Advertisement, dated 02.06.2017, issued by the Director, North Eastern Institute of Folk Medicine (NEIFM), Pasighat, had submitted their respective applications for various posts so advertised including the posts of Ethnobotanist, Pharmacognosist and Herbarium Curator/Museum Curator. The applications submitted by the petitioners being found to have satisfied the requisite eligibility criteria; they were issued with call letters requiring them to appear for

the walk-in-interview for the post of Herbarium Curator/Museum Curator which was scheduled on 10.10.2018. The petitioners, herein, had appeared for the said interview for the post of Herbarium Curator/Museum Curator on 10.10.2018 and were awaiting declaration of their result. However, the result was not so declared and they were issued with further call letters on 22.07.2019, re-scheduling a fresh interview/personality test for recruitment to the post of Herbarium Curator/Museum Curator and scheduling such interview on 30.07.2019 in the office of the Director of All India Institute of Ayurveda, Delhi. The said interview was not held on 30.07.2019 and the same came to be postponed. Thereafter, the respondent authorities had scheduled the interview/personality test for the post of Herbarium Curator/Museum Curator vide communication, dated 03.09.2019, on 27.09.2019, and further call letters were issued to the petitioners, herein. The petitioners, in the meantime, vide their representation, dated 24.07.2019, approached the respondent authorities and prayed that the interview for the posts, in question, as advertised, vide Advertisement, dated 02.06.2017, be held at Pasighat so as to facilitate them to take the said recruitment test in-as-much as it was not possible for them to travel to Delhi, for the purpose of attending the said interview. The selection process for the post of Herbarium Curator/Museum Curator was, thereafter, again re-scheduled on 15.10.2019, along with the posts i.e. Ethnobotanist and Pharmacognosist.

4. Being aggrieved, the petitioners, herein, have approached this Court with the reliefs as stated above.

5. This Court, vide order, dated 04.10.2019, while issuing notice in the matter, was pleased to stay the further recruitment process for the posts of Herbarium Curator/ Museum Curator, Ethnobotanist and Pharmacognosist.

6. Mr. Laji, learned counsel for the petitioners, has reiterated the facts as noticed hereinabove and has further submitted that the respondent authorities after having conducted a recruitment process for the post of Herbarium Curator/Museum Curator ought not to have held a fresh interview for the same without declaring the result of the said interview. Accordingly, the learned counsel has submitted that an appropriate direction be issued to the respondent authorities for declaration of the result for the post of Herbarium Curator/Museum Curator held on 10.10.2018.

7. Mr. Laji, learned counsel for the petitioners, has also submitted that the interview for the other posts, be also directed to be scheduled at Pasighat, so as to facilitate the candidates of the State of Arunachal Pradesh, to participate in the said selection process in-as-much as, it is not possible for all the candidates including the petitioners, herein, to move to Delhi for the purpose of attending the said interview given the financial constraints suffered by them.

8. Mr. Kato, learned DSGI, by placing reliance on the affidavit-in-opposition filed by the Respondents No. 3 & 4 in the matter, has justified the cancellation of the interview conducted on 10.10.2018, for the post of Herbarium Curator/Museum Curator on the ground that the

selection committee so constituted for the said interview, was not so constituted in terms of the DoPT Guidelines issued by the Ministry of Personnel, Public Grievances & Pensions, Government of India, vide the communication, dated 08.07.2009. The learned DSGI has further submitted that the interview for the posts of Ethnobotanist and Pharmacognosist, was not conducted before and for the first time, it was scheduled to be so held on 15.10.2019.

9. Mr. Kato, learned DSGI, has also submitted that in view of the continuance of the interim directions passed by this Court vide order, dated 04.10.2019; further recruitment to the posts of Ethnobotanist and Pharmacognosist have not been held by the respondent authorities and there being no bar with regard to recruitment to the post of Botanist so advertised vide the Advertisement, dated 02.06.2017; the recruitment to the said post was completed and appointment made against the said post, so advertised.

10. During the hearing of the case today; this Court had required Mr. Kato, learned DSGI, to receive instructions from the Respondents No. 3 & 4, as to whether they would be desirable to hold the recruitment process for selection against the posts of Herbarium Curator/Museum Curator, Ethnobotanist and Pharmacognosist, at Pasighat. The learned DSGI, on receipt of the relevant instructions, has submitted that the respondent authorities are willing to hold the selection process for the said posts at Pasighat itself.

11. Appreciating the said submissions made by the respondent

authorities and also appreciating the fact that the Advertisement, was issued on 02.06.2017, and the recruitment process thereon, has not been taken to its logical conclusion and also by reckoning that in the meantime, many other candidates have become eligible for recruitment against the said posts; this Court is of the considered view that the Advertisement, dated 02.06.2017, insofar as, the posts of Herbarium Curator/Museum Curator, Ethnobotanist and Pharmacognosist, is called to be interfered with and accordingly, the said Advertisement, dated 02.06.2017, to the extent of recruitment to the posts of Herbarium Curator/Museum Curator, Ethnobotanist and Pharmacognosist, is concerned; is set aside.

12. The respondent authorities are now directed to issue a fresh advertisement for recruitment against the posts of Herbarium Curator/Museum Curator, Ethnobotanist and Pharmacognosist, in the event, a need for filling up the said posts exists in the North Eastern Institute of Folk Medicine (NEIFM), Pasighat.

13. It is further provided that in the event of issuance of fresh advertisement for recruitment to the posts of Herbarium Curator/Museum Curator, Ethnobotanist and Pharmacognosist; the selection process, as per the undertaking noticed hereinabove of the respondent authorities, shall be carried-out at Pasighat, or, at such appropriate place within the State of Arunachal Pradesh. It is further provided that if it is found that the petitioners, herein, in the meantime, have become over-aged; such over-age of the petitioners would be condoned by the respondent authorities by considering the

fact that they were agitating their grievance in the matter before this Court by way of instituting the present proceeding, since the year 2019. Accordingly, the petitioners, herein, would also be extended an opportunity to have their respective cases considered against the posts, in question, to which, they would otherwise be eligible, other than being over-aged.

14. With the above directions and observations, this writ petition stands disposed of.

JUDGE

Comparing Assistant