

GAHC040015182022



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

Case No. : WP(C)/483/2022

All Puroik Welfare Society and Anr.
Represented by its President Sh. Adang Yachu,
S/o Lt. Tabin Yachu Puroik,
Registered Office at Puroik Colony, Papu Nallah,
PO and PS Naharlagun, District Papumpare, Arunachal Pradesh.
Contact No. 9402241752. Email Nil.
2: Daniel Bechang
S/o Sh. Kapit Bechang
R/o Upper Seijosa, P.o/ PS Seijos,
District Pakke Kessang, A.P

VERSUS

The State of AP and Anr.
Through the Chief Secretary, Govt. of Arunachal Pradesh, Itanagar.
2: The Secretary, Department of Tourism,
Govt. of Arunachal Pradesh, Itanagar

Advocate for the Petitioner : Rajesh Sonar

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 16-08-2024

Heard Mr. M. Khambo, learned counsel for the petitioners. Also heard Mr. S. Tapin, learned Senior Govt. Advocate for the State respondent No.1 and Mr. T. Roleng, learned counsel appearing on behalf of Mr. N. Pada, learned Standing Counsel, Department of Tourism, representing the respondent No.2.

2. By filing this writ petition, the petitioners have prayed for a direction to the respondent authorities to consider and dispose of the representation filed by the petitioners in terms of the recommendation of the High Power Committee for granting employment opportunities to the educated members of Sullung tribe as notified vide dated 23.12.1998 and 09.11.2011 and the judgments and orders dated 13.11.2002 and 13.07.2015 of this Court, passed in WP(C)656(AP)2001 and in PIL No.19(AP)2013.

3. Having considered the nature of prayer made in this writ petition, the same is taken-up for disposal at the Admission stage itself.

4. Brief facts giving rise to the present case are that, pursuant to the judgment and order of the Hon'ble Supreme Court dated 13.05.1994 in the case of *Public Union for Civil Liberties Vs. the State of Tamil Nadu & Ors.*, reported in *1994 (5) SCC 116*, the State of Arunachal Pradesh has constituted a High Power Committee to look into the upliftment, rehabilitation and settlement of the bonded labours and for providing employment opportunities. The High Power Committee identified the petitioners' community as bonded labours in the districts of West Kameng, Kurung Kumey, Papum Pare and East Kameng of

Arunachal Pradesh. The High Power Committee submitted its report, which was communicated vide letter dated 23.12.1998 to the Government. Amongst other, it had recommended for providing government job to the educated members of the petitioners' community.

5. It is the contention of the petitioners that when the State Government did not take any action on the recommendation, the matter was brought before this Court by way of a writ petition as well as Public Interest Litigation. This Court on 13.12.2002 in the case of *Bopai Poroik Vs. the State of Arunachal Pradesh*, reported in (2003) 2 GLR 137 has directed the State, which is reproduced hereinbelow:-

"11. In view of the above, it is, to my mind, in the fitness of things to direct the State Government to formulate a concrete scheme for appoint of the educated members of the Sullung community in terms of the High Power Committee's recommendations mentionea hereinbefore within a given time-frame and pending finalization of the scheme, the Government may, if necessary, consider relaxing of rule 36 of the said recruitment rules for the purpose of doing the needful in this regard.

12. In the result and for the reasons discussed above, this writ petition succeeds. Considering the matter in its entirety and in the interest of justice, the State respondents are hereby directed to formulate necessary schemes, within a period of six months from today, for appointment of one graduate from Sullung tribe as EAC and for this purpose, the Government may, if need be, take resort to rule 36 of the relevant recruitment rules and under the scheme, which may be so formulated, the petitioner shall be considered along with similarly situated persons, if any for appointment to the post of EAC..."

6. In the PIL No.19/2013, the Division Bench of this Court has directed, which is reproduced hereinbelow:

"9. On the considering the submissions advanced by learned counsel for the parties, having regard to the materials on the pleadings and also taking into account the judgment rendered in Bopal Puroik (Supra), we have found that

grievances of the petitioner which were highlighted in the proceeding in hand had already been taken care of by the Government of Arunachal Pradesh although as reported by the counsel for the petitioner, the recommendations had been fully complied with as yet despite issuance of directions by the State of Arunachal Pradesh to implement such recommendation of the High Power Committee...”

7. The primary grievance of the petitioners is that despite recommendation and direction of this Court, the respondent authorities are yet to fully redress the grievance of the petitioners’ community. Therefore, it is prayed that the respondent authority may be directed to consider and dispose of the representation filed by the petitioners.

8. Having considered the submissions of the learned counsels for the parties and the nature of prayer made in this writ petition as well as the order of the Hon’ble Supreme Court and this Court in the above cases, I deem it appropriate to direct the respondent authorities to consider and dispose of the representation dated 17.06.2022 filed by the members of the petitioners’ community. Accordingly, the present writ petition is disposed of with a direction to the respondent authorities, particularly, the Chief Secretary, Govt. of Arunachal Pradesh to dispose of the representation dated 17.06.2022 filed by the members of the petitioners, within a period of 2(two) months from the date of receipt of a certified copy of this order.

9. The writ petition stands allowed and disposed of, in terms of above direction.

JUDGE

Comparing Assistant