

GAHC030003772024



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

Case No. : WP(C)/53/2024

Smt. Vanlalthlanawmi and Anr.

D/o C. Bawlliana

R/o Govt. High School Quarter-II, Teikhang, Saitual District
Lalsiamlian

2: Smt. Juliet

VERSUS

State of Mizoram and 4 Ors.

r/b the Chief Secretary to the Govt. of Mizoram
Mizoram

School Education Dept.

2:The Secretary to the Govt. of

3:The Secretary to Govt. of Mizoram

Dept. of Personnel and Administrative Reforms.

4:The Secretary to Govt. of Mizoram

Finance Dept.

5:The Director

School Education Dept.

Govt. of Mizora

Advocate for the Petitioner : Ms Dinari T Azyu

Advocate for the Respondent : Addl. AG/GA, Mizoram for R1 - 5

ORDER
BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

05.08.2024

Heard Mr. Victor L. Ralte, learned counsel for the petitioners and Ms. Linda L. Fambawl, learned Addl. Advocate General for the respondents. Having regard to the nature of the claim made by the petitioners, the same is taken up for disposal at this stage.

[2.] It is the case of the petitioners that the petitioner No. 1 was appointed as Adhoc teacher on 04.08.2008 and the petitioner No. 2 similarly on 01.08.2008. Their appointment were approved by the District Education Officer concerned on 25.08.2008 and 01.08.2008 respectively.

[3.] While the petitioners were serving as such, the Mizoram Public Service Commission (MPSC) floated an Advertisement on 10.04.2015 for filling up of 102 posts of Middle School Government Teachers. The petitioners along with others also responded to the advertisement and after going through the selection process, they were recommended for appointment. Accordingly, the petitioners were appointed vide Order dated 13.01.2016. Subsequently, the service of the petitioners were confirmed on 01.06.2018 and 11.10.2018 respectively. It is the case of the petitioners that the State Government in the School Education

Department has come up with a Notification dated 19.07.2013 by which the criteria for pay upgradation of Government Primary, Middle and High School teachers in the Senior and Selection Grade has been provided. Referring to Clause 1(b) of the Notification, Mr. Victor L. Ralte, learned counsel submits for the purpose of computing eight (8) years service in the entry grade, the services rendered in Adhoc/Deficit basis continued by regularization into Government services without any break can be counted as qualifying service. He submits that the petitioners have also rendered their service initially on Adhoc basis which was followed by regular appointment without any break in their service. Therefore, they are eligible to be considered under the said Notification for their upwarding movement to the Senior Grade and Selection Grade.

[4.] Ms. Linda L. Fambawl, learned Addl. Advocate General submits that in the copies served by the petitioners, the name of the petitioner No. 1 is stated to be Vanlalhlani and not Vanlalthlanawmi. Such being the position, a clarification in this regard will be required to be made since the respondents are not aware about any Vanlalhlani engaged as Government Middle School Teacher. It is however seen that in the Court's copy, the name has been written as Vanlalthlanawmi and not Vanlalhlani. Mr. Victor L. Ralte, learned counsel submit that at the time of filing the writ petition, the mistake was detected and correction was made but however due to oversight, the corrected copy has not been supplied to the learned Addl.

Advocate General.

[5.] Mr. Victor L. Ralte, learned counsel further submits that the case of the petitioners otherwise is squarely covered by the decision made by this Court vide common Judgment & Order dated 06.05.2024 in WP(C) No. 64/2023 and WP(C) No. 52/2022. He also submits that recently, a similar matter was also disposed of on 04.07.2024 and the writ petition being WP(C) No. 66/2024 (C. Vanlalliana & 45 Ors. -Vs- State of Mizoram & 4 Ors.). He therefore submits that the instant case may also be disposed in similar lines.

[6.] Having regard to the submissions made by the rival parties and upon considering the materials available on record, this Court finds no impediment in disposing of the writ petition at this stage. Accordingly, the writ petition is disposed of by directing the respondents to consider granting the benefit of counting of past service rendered by the petitioners on adhoc basis in terms of the Notification dated 19.07.2013 issued by the School Education Department. It is also provided herein that while considering the case of the petitioners, the respondents will be at liberty to examine and scrutinize the claim made by the petitioners that they have been working since their initial appointment on Adhoc basis without any break in service. It is needless to state herein that if the petitioners are found to have continued in their service, they shall be granted the benefit of the provisions of the Notification dated 19.07.2013 without delay. The entire process shall be completed

as expeditiously as possible and at any rate, within the outer limit of three (3) months from the date of receipt of a certified copy of this Order to be submitted to the respondent No. 2. Additionally, the petitioner shall also submit a copy of the corrected writ petition with annexures to the respondent No. 2.

[7.] With the above observations and directions, the writ petition is disposed of.

JUDGE

Comparing Assistant