

GAHC030005982024



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

Case No. : WP(C)/101/2024

Smt. Lalremmawii Ralte and 4 Ors.
D/o Rosangzuala (L)
R/o Dawrpui Vengthar, Aizawl, Mizoram.

2: Smt. C. Laldinthari

3: Smt. Lalramengi Kaipeng

4: Smt. Zosangliani

5: Smt. Lalthianghlim

VERSUS

The State of Mizoram r/b the Chief Secretary to the Govt. of Mizoram and 3 Ors.
New Secretariat Complex, Aizawl.

2:The Secretary to the Govt. of Mizoram
Health and Family Welfare Dept.

3:The Prinicipal Director
Health and Family Welfare Dept.
Govt. of Mizoram

4:The Princiapal Secretary
Finance Dept. (PRU)
Govt. of Mizora

Advocate for the Petitioner : Ms Valentina Laldinpuii

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

B E F O R E
HON'BLE MR. JUSTICE NELSON SAILO

20.09.2024

Heard Ms. Valentina Laldinpuii, learned counsel for the petitioners and Ms. Lalnunhlui, learned counsel appearing for the respondents. The learned Government Advocate submits that she may be given some time to obtain instructions in the matter. However, having regard to the projection made by the petitioners and the materials available on record, the writ petition is taken up for disposal at the motion stage itself.

[2] The case of the petitioners is that the petitioner Nos. 1 to 4 were not appointed as Clinical Instructor/Tutor in the Mizoram College of Nursing at Falkawn on 12.06.2014. Similarly, petitioner No. 5 was appointed on 04.02.2020. Subsequently, the petitioner Nos. 1 to 4 were regularized in service on 01.02.2017 and petitioner No. 5 on 05.02.2022. It is the further case of the petitioners that at the time of their initial appointment, they were having the qualification of MSc. Nursing and in view of FR27(1) and the O. M dated 15.01.2010 (Annexure-6) issued by the Govt. of India, Ministry of Health & Family Welfare (Nursing Section) enabling those nurses having the qualification

of post-graduate degree at the time of their initial appointment, the benefit of two increments from the date of their appointment, the petitioners are only entitled to the same and accordingly, the respondents should be directed to grant them the benefit.

[3] Ms. Valentina Laldinpuii, learned counsel has drawn the attention of this Court to clause-1(b)(ii) and clause-2(ii) of the O.M dated 15.01.2010 and submits that the petitioners being post-graduate degree holders were entitled two increments from the date of their appointment. The O.M has been issued in line with FR 27(10). She further submits that this Court in a case of similar nature in WP(C) No. 42/2024 (Lahmingsangi Sailo & 52 Ors. vs. State of Mizoram & 3 Ors.) vide Order dated 08.08.2024 had directed the State respondents to consider granting the benefit of two increments to the petitioners therein, who were also having either BSc nursing or MSc nursing qualification in terms of the O.M dated 15.01.2010 and FR 27(10). She submits that the case of the present petitioners is squarely covered by the said Judgment and therefore, she submits that similar direction may be issued.

[4] Upon hearing the parties and upon perusal of the materials available on record, this Court is of the considered view that the case of the petitioners only appears to be squarely covered by the earlier decision of this Court as referred

to herein above.

[5] Accordingly, the writ petition is disposed of with a direction to the respondent authorities to examine the claim of the petitioners in the light of FR 27(10) and the O.M dated 15.01.2010 and in the event, it is found that they have all acquired their respective Master degrees before their appointment in the Mizoram College of Nursing at Falkawn, the benefit of increments as laid down in the said provisions be granted to them. The entire exercise be carried out within a period of 3 (three) months from the date of receipt of a certified copy of this order. The petitioners shall also submit a copy of the said petition to the respondents alongwith a certified copy of this order.

JUDGE

Comparing Assistant