

GAHC030006632024



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

Case No. : WP(C)/109/2024

Smt. Linda Laltanpuii and 10 Ors.
D/o P.C. Lalthlamuana
R/o Zarkawt, Aizawl, Mizoram.

2: Smt. K. Laltlanpuii
D/o K. Remmawia
R/o Bungkawn
Aizawl
Mizoram.

3: Smt. Lalhnehzovi Sailo
D/o Lalsawmkima Sailo
R/o Vengchhak
Ngopa
Saitual District.

4: Smt. Laltlansangi Sailo
D/o Lalhnuna Sailo
R/o Falkawn
Aizawl District
Mizoram.

5: Smt. Lalthanmawii Hmar
D/o Thanzara Hmar Late
R/o Dawrpui
Aizawl
Mizoram.

6: Smt. Sainunsangi Zote
D/o Dr. Saihlira
R/o Dawrpui Vengthar
Aizawl
Mizoram.

7: Smt. Lalremruatpuii
D/o C. Thuamliaana
R/o Mission Vengthlang
Aizawl
Mizoram.

8: Smt. Angie Vanlalawmpuii Paite
D/o Lallianpuia Paite
R/o Khatla South
Aizawl
Mizoram.

9: Smt. C. Lalchhanhimi
D/o C. Lalsangzuala
R/o Tuikual South
Aizawl
Mizoram.

10: Smt. C. Lalruatfeli
D/o C. Lalhluna
R/o Bazar Veng
Lunglei
Mizoram.

11: Smt. Vida Lalrinchhani
R/o R. Lalsanglura
R/o Mualpui Bethel
Aizawl
Mizoram

VERSUS

The State of Mizoram r/b 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.
Aizawl
Mizoram.

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

4:The Principal Secretary
Finance Dept.(PRU)
Govt. of Mizoram
Aizawl

Advocate for the Petitioner : Ms Valentina Laldinpuii

Advocate for the Respondent : Addl. AG/GA, Mizoram for R1 - 4

ORDER

B E F O R E

HON'BLE MR. JUSTICE NELSON SAILO

01.11.2024

Heard Ms. Valentina Laldinpuii, learned counsel for the petitioners and Ms. Lalnunhlui, learned Government Advocate for the State respondents. Having regard to the nature of the case projected by the petitioners and importantly the fact that it appears to be a covered case, the writ petition is taken up for disposal at the motion stage itself.

[2.] It is the case of the petitioners that they have been appointed as Ward Superintendant in the Zoram Medical College. As for the petitioner No. 1, she was initially appointed as a Staff Nurse under the said College and later on, appointed as Ward Superintendant. The details of the appointment and qualification of the petitioners which is provided under paragraph No. 2 of the writ petition in the form of the chart may be abstracted hereunder:-

Sl. No.	Name	Qualification	Date of Appointment As Staff Nurse	Date of Regularization
1	Linda Laltanpuui	M.Sc (Nursing)	02.04.2012	12.02.2016

Sl. No.	Name	Qualification	Date of Appointment As Ward Superintendent	Date of Regularization
1	Linda Laltanpuui	M.Sc (Nursing)	30.05.2018	-
2	K. Laltlanpuui	M.Sc (Nursing)	30.05.2018	31.05.2020
3	Lalhnehzovi Sailo	M.Sc (Nursing)	30.05.2018	01.06.2020
4	Laltlansangi Sailo	M.Sc (Nursing)	30.05.2018	04.06.2020
5	Lalthanmawii Hmar	M.Sc (Nursing)	30.05.2018	01.06.2020
6	Sainunsangi Zote	M.Sc (Nursing)	30.05.2018	01.06.2020
7	Lalremruatpuui	M.Sc (Nursing)	30.05.2018	31.05.2020
8	Angie Vanlalawmpuui Paite	M.Sc (Nursing)	30.05.2018	14.06.2020
9	C. Lalchhanhimi	M.Sc (Nursing)	30.05.2018	01.06.2020
10	C. Lalruatfeli	M.Sc (Nursing)	30.05.2018	01.06.2020
11	Vida Lalrinchhani	M.Sc (Nursing)	30.05.2018	01.06.2020

[3.] The petitioners contend that the qualification required to become Staff Nurse is GNM and for Ward Superintendant, B.Sc. Nursing, since they all possess the qualification of MSc. Nursing at the time of their initial recruitment to their respective post, they are entitled to receive appropriate increment in terms of FR 27(10) and O.M dated 15.01.2010. According to the petitioners, similarly situated persons had approached this Court through *WP(C) No. 42/2024 (Lalhmingiangi Sailo & 52 Ors. vs. State of Mizoram & 3 Ors.)* and this Court vide Order dated 08.08.2024 had disposed of the writ petition with a direction to the respondent authorities to examine and verify the claim of the petitioners therein and to grant them increments as entitled to them, within a period of 3 (three) months from the date of receipt of a certified copy of the order.

[4.] Ms. Valentina Laldinpuii, learned counsel for the petitioners submits that as the instant petitioners are also similarly situated, a similar direction may be issued to the respondent authorities.

[5.] Upon hearing the learned counsels and upon perusal of the materials available on record, it only appears that the instant case is a covered case and accordingly, the respondent authorities shall 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 are all having acquired Degree/Master Degree before their appointment in Zoram Medical College, as a Staff Nurse or Ward Superintendant, the benefit of the increment as laid down in the said provision be granted to them. The entire exercise be completed within a period of 3 (three) months from the date of receipt of a certified copy of this order.

[6.] With the above observation and direction, the Writ Petition stands disposed of.

[7.] The petitioners shall also submit a copy of the writ petition alongwith the annexures with a certified copy of this order to the respondents.

JUDGE

Comparing Assistant