



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

**Case No. : WP(C)/160/2024**

SHRI PELINGRANG HEGUI AND 4 ORS  
OLD PEREN VILLAGE  
PEREN NAGALAND  
MOBILE NO. 9436628152 2: SMTI INGAUHEILE HEGALEI  
OLD PEREN VILLAGE  
PEREN NAGALAND

3: SHRI KEYIKEITEING  
BANA WARD  
PEREN TOWN  
PEREN NAGALAND

4: SHRI KEYIRANGDAUBE  
OLD PEREN VILLAGE  
PEREN NAGALAND

5: SMTI. ILUNGDAULE  
OLD PEREN VILLAGE  
PEREN NAGALAN

VERSUS

THE STATE OF NAGALAND AND 2 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY  
GOVT. OF NAGALAND  
DEPT. OF HEALTH AND FAMILY WELFARE  
NAGALAND KOHIMA 2:THE PRINCIPAL DIRECTOR  
DIRECTORATE OF HEALTH AND FAMILY WELFARE  
NAGALAND KOHIMA

3:THE MEDICAL SUPERINTENDENT  
DISTRICT HOSPITAL PEREN  
PEREN  
NAGALAN

**Advocate for the Petitioner** : TAKA MASA, SR. ADV,  
ARENLONG, TIAKUMLA, SENTILONG, SORENI MOZHUI

**Advocate for the Respondent** : GOVT ADV NL,

**BEFORE  
HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA**

**ORDER**

**26.11.2024**

Heard the learned senior counsel Mr. Taka Masa, assisted Sentilong,, appearing for the petitioners.

Also heard Mr. N Angami, learned Government Advocate, Nagaland.

This is an application under Article 226 of the Constitution of India challenging the Advertisement dated 07.07.2024 issued by the State Respondents.

The admitted position is like this:

Pursuant to Article 371 A of the Constitution of India, the people of Nagaland are the owners of all lands situated within the state of Nagaland. If the Government wants a plot of land for construction of offices, hospitals, schools or roads etc., the Government has to acquire it by paying the compensation. In some cases, the land owners donate their lands to the government. In that case, they have an agreement with the government. That one member of their family shall be appointed in Grade-IV post. In some cases, instead of giving government jobs, government contracts or supply orders are also given to the land owners or their family members. This is an accepted policy of the Government of Nagaland.

Therefore, whenever a department of the government publishes any advertisement seeking application from people of that locality for filling up Grade-IV post, it is one of the conditions that preference shall be given to landowners or their family members.

This court, in WP(C) No. 122/2019, passed a direction stating that

whenever the State publishes any advertisement inviting applications for filling up Grade-IV posts, it has to be mentioned in the advertisement itself that land owners or their family members shall be given preferential treatment.

Thereafter, on one occasion, the state published an advertisement on 21.06.2024 inviting applications for filling up posts of Medical Attendants in PHC, Chare, Tuensang. In that advertisement, it was not mentioned that land owners or their family members, who had donated land shall be given preferential treatment at the time of selection. Therefore, WP(C) No. 123/2024 was filed challenging the said advertisement. During pendency of the said writ petition before this Court, the Principal Director, Health & Family Welfare, Nagaland had admitted the aforesaid lapse and agreed to issue a corrigendum in respect of the said Advertisement dated 21.06.2024. On that ground, the said writ petition was disposed of.

Now, the State respondents published an Advertisement dated 07.07.2024 without mentioning the policy that land owners or their family members shall be given preference. This is the reason why, the present writ petition has been filed.

I have considered the submissions made by the learned counsel of both sides. It is an admitted fact that land owners or their family members, who had donated land to the government, get preferential treatment, if otherwise found eligible for appointment in Grade-IV post. The State respondents did not mention that fact in the impugned advertisement. It should have been done by the State respondents.

Therefore, the Advertisement No. DHFW-3/COURT CASE/PEREN/GR-IV/519-2026 dated 07.07.2024, published by the Principal Director, Directorate of Health & Family Welfare, Nagaland, Kohima is bad in law and, therefore, stands quashed. Accordingly, the State respondents are directed to publish a fresh advertisement wherein it shall be mentioned, amongst other conditions regarding eligibility, that the land owners or their family members shall be given preferential treatment, if otherwise found eligible for appointment.

In the present writ petition, the petitioners have already completed 35(thirty five) years of age. Therefore, they prayed for a direction that the upper age limit should be relaxed for them only. To that effect, the petitioners have

pointed out that by the Notification No. AR/GEN-6/7/2024/A dated 15.10.2024, the Government of Nagaland has already made the upper age limit for Group-D posts as 37 (thirty seven) years.

Mr. Masa has submitted that no order is required to be passed in that matter in view of the aforesaid Notification.

With the aforesaid direction, the present writ petition is disposed of.

**JUDGE**

**Comparing Assistant**