

GAHC020007192023

2024:GAU-NL:521



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

**Case No. : WP(C)/318/2023**

SMTI VIBEIZONO KHRO AND 10 ORS  
D/O LHOUSITO KHRO,  
R/O CHUMOUKEDIMA WARD NO.2, DIST. CHUMOUKIDEMA,  
NAGALAND.  
PHONE- 8798061731

2: SHRI K. YIMKHONG  
S/O KIULONGBA  
R/O CHUMOUKEDIMA WARD-9  
NAGALAND

3: SHRI VESUTO NAROH  
S/O VESHOI NAROH  
R/O CHUMOUKEDIMA WARD-10  
NLD

4: SHRI IZAINEULE TEILIA  
S/O GIELUI  
R/O CHUMOUKEDIMA WARD-6  
NLD

5: SHRI SHANGTSABA SANGTAM  
S/O SETHRICH SANGTAM  
R/O CHUMOUKEDIMA WARD NO-10  
NLD

6: SHRI LAKIUMONG N. YIMCHUNGER  
S/O NEOJI.  
R/O CHUMOUKEDIMA WARD NO-6  
NLD

7: SHRI AKAM YIMCHUNGER  
S/OVY. KEKUNG YIMCHUNGER

R/O CHUMOUKEDIMA WARD NO-9  
NLD

8: SHRI BOTO MURRU  
S/O VIHUTO  
R/O CHUMOUKEDIMA WARD NO-1  
NAGALAND

9: SHRI LIDISE  
S/O T. MUNGANCHO  
R/O CHUMOUKEDIMA WARD NO-7  
NLD

10: SHRI HOKIQHE  
S/O KHULU  
R/O CHUMOUKEDIMA WARD NO-4  
NAGALAND

11: SHRI VIOKA B. ZHIMO  
S/O BOKAHO  
R/O CHANDMARI  
KOHIM

VERSUS

THE STATE OF NAGALAND AND 182 ORS  
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF  
NAGALAND

2:THE HOME COMMISSIONER  
NAGALAND  
KOHIMA

3:THE DIRECTOR GENERAL OF POLICE

NAGALAND  
KOHIMA

4:THE INSPECTOR GENERAL OF POLICE (INT)

NAGALAND  
KOHIMA

5:THE DY. INSPECTOR GENERAL OF POLICE (ADMINISTRATION)

NAGALAND  
KOHIMA

6:THE DY. INSPECTOR GENERAL OF POLICE (COMMN.)

NAGALAND  
KOHIMA

7:THE COMMANDANT

14TH NAP (IR) BATTALLION  
KIPHIRE

8:THE SUPERINTENDENT OF POLICE

PHEK

9:THE COMMANDANT

5TH NAP BATTALLION  
PHEK

10:THE SUPERINTENDENT OF POLICE

WOKHA

11:THE COMMANDANT

4TH NAP BN  
THIZAMA

12:THE SUPERINTENDENT OF POLICE

KOHIMA

13:THE SUPERINTENDENT OF POLICE

MOKOKCHUNG

14:THE COMMANDANT

3RD NAP BN  
TUENSANG

15:THE COMMANDANT

6TH NAP BN  
TIZIT  
MON

16:THE COMMANDANT

8TH NAP BN  
NALTOQA  
ZUNHEBOTO

17:THE COMMANDANT

1ST NAP BN  
CHUMUKEDIMA

18:THE COMMANDANT

15TH NAP IR MAHILA BN  
CHUMU

19:THE SUPERINTENDENT OF POLICE

LONGLENG

20:SHRI AMAN KONYAK  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

21:SHRI N. PANGLEM KONYAK  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

22:SHRI KENEILETUO YHOR  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

23:SHRI LIBENTHUNG C PATTON

CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

24:SHRI L. KIUTSUMONG YIMCHUNGER  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

25:SHRI M. SANTSUTHUNG EZUNG  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

26:SHRI MHADEMO KIKON  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

27:SHRI CHUMBEN ODYIO  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

28:SHRI AMEKA  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

29:SHRI C. OMEGA  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

30:SHRI NOKZENKETBA  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

31:SHRI RENPITHUNG Z. ODYUO  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

32:SHRI MERICHAN KIKON  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

33:SHRI SHUMBEMO KIKON  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

34:SHRI E. TUMBEN LOTH  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

35:SHRI AKITO ZHIMO  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

36:SHRI A. WONGTO CHINGMAK  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

37:SHRI TSULUN A. YIMCHUNGER  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

38:SHRI BIRIMONG SANGTAM  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

39:SHRI K. YONGKONGLAMBA  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

40:SHRI LIJANTHUNG NGULLIE  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

41:SHRI ALBERT P. YANTHAN  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

42:SHRI HUKUGHA V. ZHIMO  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

43:SHRI INAKATO V. YEPTHO  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

44:SHRI ASAMO  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

45:SHRI MUWASE YINGPHITHONGRU  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

46:SHRI ATHOW EKHE-A  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

47:SHRI SHANBEMO LOTH  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

48:SHRI JENIREMO M. MURRY  
CONSTABLE (GD)  
14TH NAP (IR) BN KIPHIRE

49:SHRI NEIKOWE AKAMI

NCE  
S.P.  
PHEK

50:SHRI KHEHOVI YEPTHO

CONSTABLE (GD)  
S.P.  
PHEK

51:SHRI RENTSAMO KIKON  
CONSTABLE (GD)  
S.P.  
PHEK

52:SHRI NOKSHEN H.M. KONYAK  
CONSTABLE (GD)  
S.P.  
PHEK

53:SHRI SHEKUKHOLU  
CONSTABLE (GD)  
S.P.  
PHEK

54:SMTI LUTSILI TRAKHA  
CONSTABLE (GD)  
S.P.  
PHEK

55:SMTI MULUTOLU VENUH  
CONSTABLE (GD)  
S.P.  
PHEK

56:SHRI ZEKOWEPE AKAMI  
CONSTABLE (GD)  
S.P.  
PHEK

57:SHRI NUKUTHO CUKHAMU  
CONSTABLE (GD)  
S.P.  
PHEK

58:SHRI VEDE SOHO  
CONSTABLE (GD)  
S.P.  
PHEK

59:SHRI CHEHIWE  
CONSTABLE (GD)  
S.P.  
PHEK

60:SHRI MENOTE WATSA  
CONSTABLE (GD)  
S.P.  
PHEK

61:SHRI EZOMONGO YANTHAN  
CONSTABLE (GD)  
S.P.  
PHEK

62:SHRI MATHEW  
CONSTABLE (GD)  
S.P.  
PHEK

63:SHRI KAIDUNPUN NCHANG  
CONSTABLE (GD)  
S.P.  
PHEK

64:SHRI VESUTO VERO  
CONSTABLE (GD)  
S.P.  
PHEK

65:SHRI WAWU KAPFO  
CONSTABLE (GD)  
S.P.  
PHEK

66:SHRI ZIOSE S. SANGTAM  
CONSTABLE (GD)  
S.P.  
PHEK

67:SHRI KHRIEPHRETO MEYASE  
CONSTABLE (GD)  
S.P.  
PHEK

68:SHRI PUSHA KHIAMNIUNGAN  
CONSTABLE (GD)  
S.P.  
PHEK

69:SHRI MESUSE PUCHO  
CONSTABLE (GD)

S.P.  
PHEK

70:SHRI VIKHO-U SOPFUNUO  
CONSTABLE (GD)  
S.P.  
PHEK

71:SHRI EKONTHUNG PATTON  
CONSTABLE (GD)  
S.P.  
PHEK

72:SHRI P. YANPOTHUNG KITHAN  
CONSTABLE (GD)  
S.P.  
PHEK

73:SHRI WEMERI RITSE  
CONSTABLE (GD)  
5TH NAP BN PHEK

74:SMTI. MATEVI  
CONSTABLE (GD)  
5TH NAP BN PHEK

75:SHRI KHROTE LOHE  
CONSTABLE (GD)  
5TH NAP BN PHEK

76:SHRI TSOZO VITSU  
CONSTABLE (GD)  
5TH NAP BN PHEK

77:SHRI LICHUMO PATTON  
CONSTABLE (GD)  
S.P  
WOKHA

78:SHRI TONGPANGTEMJEN  
CONSTABLE (GD)  
S.P  
WOKHA

79:SHRI BENRITHUNG T.KIKON  
CONSTABLE (GD)  
S.P  
WOKHA

80:SHRI W. PILAMO NGULLIE  
CONSTABLE (GD)  
S.P  
WOKHA

81:SHRI MHAO N. KIKON  
CONSTABLE (GD)  
S.P  
WOKHA

82:SHRI JANBEMO LOTH  
CONSTABLE (GD)  
S.P  
WOKHA

83:SMTI. LIBENI ODYUO  
CONSTABLE (GD)  
S.P  
WOKHA

84:SHRI RENPONTHUNG PATTON  
CONSTABLE (GD)  
S.P  
WOKHA

85:SHRI HABEMO N. KIKON  
CONSTABLE (GD)  
S.P  
WOKHA

86:SHRI ZANBEN PATTON  
CONSTABLE (GD)  
S.P  
WOKHA

87:SHRI ASEMO ODYUO  
CONSTABLE (GD)  
S.P  
WOKHA

88:SHRI ZURENTHUNG YANTHAN  
CONSTABLE (GD)  
S.P  
WOKHA

89:SHRI ORENTHUNG A. TSANGLAO  
CONSTABLE (GD)

S.P  
WOKHA

90:SHRI W. ABEMO TUNGOE  
CONSTABLE (GD)

S.P  
WOKHA

91:SHRI BIBENTHUNG PATTON  
CONSTABLE (GD)

S.P  
WOKHA

92:SMTI. N. AJANBENI LOTH  
CONSTABLE (GD)

S.P  
WOKHA

93:SHRI THUNGCHEBEMO KIKON  
CONSTABLE (GD)

S.P  
WOKHA

94:SHRI R. WOBWNTHUNG LOTH  
CONSTABLE (GD)

S.P  
WOKHA

95:SHRI ZUPENTHUNG KIKON  
CONSTABLE (GD)

S.P  
WOKHA

96:SHRI CHONBEN KIKON  
CONSTABLE (GD)

S.P  
WOKHA

97:SHRI ZULAMO YANTHAN  
CONSTABLE (GD)

S.P  
WOKHA

98:SHRI JANBEMO TUNGOE  
CONSTABLE (GD)

S.P  
WOKHA

99:SHRI ZUCHANTHUNG L.ODYUO  
CONSTABLE (GD)  
S.P  
WOKHA

100:SHRI N. NZANTHUNG KIKON  
CONSTABLE (GD)  
S.P  
WOKHA

101:SHRI ZANBENTHUNG PATTON  
CONSTABLE (GD)  
S.P  
WOKHA

102:SHRI KATO YEPHO  
CONSTABLE (GD)  
S.P  
WOKHA

103:SMTI. MEDOCHUNUO  
NCE  
4TH NAP BN THIZAMA  
KOHIMA

104:SHRI PELEBEITUO SOPFUNUO  
CONSTABLE (GD)  
4TH NAP BN THIZAMA  
KOHIMA

105:SHRI MANOJ KUMAR SHIWA  
NCE  
4TH NAP BN THIZAMA  
KOHIMA

106:SHRI NCHUMTHUNG M. TUNGEO  
CONSTABLE (GD)  
4TH NAP BN THIZAMA  
KOHIMA

107:SMTI. THUNGBEMO MURRY  
CONSTABLE (GD)  
I.G.P  
KOHIMA

108:SMTI. N. PRICELLA  
CONSTABLE (GD)  
I.G.P

KOHIMA

109:SMTI. N. LOCHUMBENI LOTH  
CONSTABLE (GD)  
I.G.P  
KOHIMA

110:SHRI NTSEMO LOTH  
CONSTABLE (GD)  
I.G.P  
KOHIMA

111:SMTI. O. YANSARONI ODYUO  
CONSTABLE (GD)  
I.G.P  
KOHIMA

112:SHRI P. SACHIO NGULLIE  
CONSTABLE (GD)  
I.G.P  
KOHIMA

113:SHRI M. AVUNGTHUNG  
CONSTABLE (GD)  
I.G.P  
KOHIMA

114:SHRI CHIBEN PATTON  
CONSTABLE (GD)  
I.G.P  
KOHIMA

115:SMTI. MERIBENI ODYUO  
CONSTABLE (GD)  
I.G.P  
KOHIMA

116:SHRI PILAMO Y. JAMI  
CONSTABLE (GD)  
I.G.P  
KOHIMA

117:SHRI RENBON LOTH  
CONSTABLE (GD)  
I.G.P  
KOHIMA

118:SHRI R. PONTUNG LOTH

CONSTABLE (GD)  
I.G.P  
KOHIMA

119:SHRI WOJAMO KIKON  
CONSTABLE (GD)  
I.G.P  
KOHIMA

120:SHRI BENRITHUNG MURRY  
CONSTABLE (GD)  
I.G.P  
KOHIMA

121:SHRI KETOUZHALIE  
CONSTABLE (GD)  
I.G.P  
KOHIMA

122:SHRI ZHAPUSIETO BEI-O  
CONSTABLE (GD)

10TH NAP BN (IR)  
ZHADIMA

123:SSHRI IMONGTOSHI  
CONSTABLE (GD)  
S.P.  
KOHIMA

124:SMTI. T. MOAINLA  
CONSTABLE (GD)  
S.P.  
KOHIMA

125:SHRI SENCHUMTHUNG S. KITHAN  
CONSTABLE (GD)  
S.P.  
KOHIMA

126:SMTI. THEJANGUNO VIYA  
CONSTABLE (COMPUTER OPERATOR) AT DEF  
PHEK

127:SMTI. NGAPLO KONYK  
CONSTABLE (GD)  
DEF  
MON

128:SHRI A. MHATHUNG PATTON  
LDA-CUM-COMPUTER ASSISTANT. DEF LONGLENG

129:SHRI YANGPONG PHOM  
CONSTABLE (OPERATOR) NPTO  
UNDER WHQ  
KOHIMA

130:SHRI ALONG HAAH KONYAK  
CONSTABLE (OPERATOR) NPTO  
UNDER WHQ  
KOHIMA

131:SHRI LIBEMO T. ODYUO  
CONSTABLE (OPERATOR) NPTO  
UNDER WHQ  
KOHIMA

132:SHRI L. MYINGTHUNGO  
CONSTABLE (OPERATOR) NPTO  
UNDER WHQ  
KOHIMA

133:SHRI N. ECHUNGBEMO KIKON  
CONSTABLE (OPERATOR) NPTO  
UNDER WHQ  
KOHIMA

134:SHRI IMTIKUMBA  
CONSTABLE (OPERATOR) NPTO  
UNDER WHQ  
KOHIMA

135:SHRI AKEVI CHISHI  
CONSTABLE (GD) 13TH NAP (IR) BN  
YAJANG-C  
MKG

136:SHRI HACHITHUNG R. EZUNG  
CONSTABLE (GD) 13TH NAP (IR) BN  
YAJANG-C  
MKG

137:SHRI KAJENKABA  
CONSTABLE (GD) 13TH NAP (IR) BN  
YAJANG-C  
MKG

138:SHRI IMLISANEN  
CONSTABLE (GD) 13TH NAP (IR) BN  
YAJANG-C  
MKG

139:SHRI IMNUKTI NOKDIR  
CONATABLE (COMPUTER OPERATOR) 2ND NAP BN  
ALICHEN

140:SHRI LICHANBEMO K. EZUNG  
CONSTABLE (GD)  
S.P. MKG

141:SHRI A. HONKA KONYAK  
CONSTABLE (GD)  
S.P. MKG

142:SHRI RAJU KUMAR  
NCE (SWEEPER) 3RD NAP BN  
TUENSANG

143:SHRI CHOPONGSE SANGTAM  
CONSTABLE (GD) 3RD NAP BN  
TUENSANG

144:SHRI P. PESHE KHIAMNIUNGAN  
CONSTABLE (GD)  
3RD NAP BN  
TUENSANG

145:SHRI MHANDEMO N. PATTON  
CONSTABLE (GD)  
3RD NAP BN  
TUENSANG

146:SHRI NAMCHAMBO  
CONSTABLE (GD)  
S.P.  
TUENSANG

147:SHRI KHUMRIMONG S  
CONSTABLE (GD)  
S.P.  
TUENSANG

148:SHRI NOKPHONG T. KONYAK  
CONSTABLE (GD)

6TH NAP BN  
TIZIT  
MON

149:SHRI W. EANGTOK  
CONSTABLE (GD)  
6TH NAP BN  
TIZIT  
MON

150:SHRI YEANGLEI P.  
CONSTABLE (GD)  
S.P.  
MON

151:SHRI TOKA V. KIBA  
NCE  
(W/C) 8TH NAP BN  
NALTOQA  
ZBTO

152:SHRI NAGATO  
NCE  
(SWEPER) 8TH NAP BN  
NALTOQA  
ZBTO

153:SHRI MOPEN PHOM  
NCE  
COOK) 8TH NAP BN  
NALTOQA  
ZBTO

154:SHRI MOATEMJEN PONGEN  
NCE  
(COOK) 8TH NAP BN  
NALTOQA  
ZBTO

155:SHRI RIKATO H. CHOPHY  
CONSTABLE (GD)  
8TH NAP BN  
NALTOQA  
ZBTO

156:SHRI NITOKA V. ZHIMO  
CONSTABLE (GD)  
8TH NAP BN

NALTOQA  
ZBTO

157:SHRI IMKONGCHUBA IMSONG  
CONSTABLE (DRIVER)  
1ST NAP BN  
CHUMUKEDIMA

158:SMTI LILY KIKON  
CONSTABLE (COMPUTER OPERATOR)  
1ST NAP BN  
CHUMUKEDIMA

159:SHRI DIPAK MECH  
CONSTABLE (GD)  
1ST NAP BN  
CHUMUKEDIMA

160:SMTI. PFUHKE  
CONSTABLE (GD)  
1ST NAP BN  
CHUMUKEDIMA

161:SHRI WALUNIBA  
CONSTABLE (GD)  
1ST NAP BN  
CHUMUKEDIMA

162:SMTI. IMNYAIENLA  
CONSTABLE (GD)  
1ST NAP BN  
CHUMUKEDIMA

163:SHRI KEZHOSE KHIZHO  
CONSTABLE (COMPUTER OPERATOR)  
1ST NAP BN  
CHUMUKEDIMA

164:SMTI. WANNYA PHOM  
CONSTABLE (GD)  
15TH NAP BN  
CHUMUKEDIMA

165:SMTI. KASIMGAILIU  
CONSTABLE (GD)  
15TH NAP BN  
CHUMUKEDIMA

166:SHRI Y. CHINGNGAM KONYAK  
CONSTABLE (GD)  
NAP TRAINING CENTRE  
CHUMUKEDIMA

167:SHRI RENTHUNGO M. MURRY  
CONSTABLE (GD)  
9TH NAP BN(IR) SAIJANG

168:SHRI DUNWI  
CONSTABLE (GD)  
S.P. PEREN

169:SHRI HATHUNGO EZUNG  
CONSTABLE (GD)  
12TH NAP BN(IR) CHINGTOK  
LONGLENG

170:SHRI P. HENJAH PHOM  
CONSTABLE (GD)  
12THB NAP BN(IR)  
CHINGTOK  
LONGLENG

171:SHRI TONGPANGKOKBA  
CONSTABLE (GD)  
S.P.  
LONGLENG

172:SHRI TUMCHOBEMO M. KIKON  
CONSTABLE (GD)  
S.P.  
LONGLENG

173:SHRI KOWE KAPFO  
CONSTABLE (GD)  
S.P.  
LONGLENG

174:SMTI. EMIYANI KIKON  
CONSTABLE (GD)  
S.P.  
LONGLENG

175:SHRI AOCHUJANG JAMIR  
CONSTABLE (GD)  
S.P.  
LONGLENG

176:SHRI P.V. VICTOR LINYU  
CONSTABLE (GD)  
S.P.  
LONGLENG

177:SHRI MANGILONG AO  
CONSTABLE (GD)  
S.P.  
LONGLENG

178:SHRI TOSAPOMGCHET  
CONSTABLE (GD)  
S.P.  
LONGLENG

179:SHRI HAMTONG PHOM  
CONSTABLE (GD)  
S.P.  
LONGLENG

180:SHRI ROLAND ODYUO  
CONSTABLE (GD)  
S.P.  
LONGLENG

181:SHRI MYANBEMO KITHAN  
CONSTABLE (GD)  
S.P.  
LONGLENG

182:SMTI MHALO TSOPOVUI  
CONSTABLE (GD)  
S.P.  
LONGLENG

183:SHRI PIPONTHUNG H. EZUNG  
CONSTABLE (GD)  
S.P.  
LONGLEN

**Advocate for the Petitioner** : Z. ZHIMOMI, ABEL AYEMI, TOSHI O. LONGKUMER, S K  
ACHUMI, T. SHANGCHIU

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

**BEFORE  
HON'BLE MR. JUSTICE MANISH CHOUDHURY**

**JUDGMENT & ORDER**

**26.09.2024**

Heard Ms. Z. Zhimoni, learned counsel assisted by Mr. Toshi O. Longkumer and Mr. Abel Ayemi, learned counsel for the petitioners; Mr. L.T. Sangtam, learned Additional Advocate General, Nagaland along with Mr. V. Zhimomi, learned Government Advocate, Nagaland for the respondent no. 1; Mr. T.B. Jamir, learned counsel for the respondent nos. 2 to 19; Mr. Taka Kichu, learned counsel for the respondent nos. 20, 22 to 34, 36, 38 to 44, 46, 48 to 50, 52 to 64, 66 to 69, 71 to 73, 75 to 123, 125 to 136, 138 to 151, 153 to 167 and 169 to 183; and Mr. Supongwati Walling, learned counsel for the respondent no. 74.

2. It transpires from the materials on record that the other private respondents, despite service of notices duly upon them, have not entered appearance in this writ petition. By an Order dated 11.12.2023, the notices upon all the private respondents were directed to be served through the office of the Director General of Police [DGP], Nagaland. On 21.05.2024, an affidavit through the D.I.G.P. [Administration] regarding service of notices to the respondent nos. 20 to 183 through the office of the DGP, Nagaland has been filed asserting that the notices were duly served upon them on 13.03.2024.

3. In this writ petition, the petitioners, 11 [eleven] in nos., have assailed the appointments made in favour of the respondent nos. 20 to 183 as Constables in Nagaland Police by the State respondent authorities during the period between January, 2018 and September, 2020, vide Orders of Appointment, annexed as Annexure-B to Annexure-B-163 to the writ petition. The main ground to assail the orders of appointments of the respondent nos. 20 to 183 is that the State respondent authorities had appointed the respondent nos. 20 to 183 without initiating any process

of recruitment and without publication of any kind of advertisement. It is the case of the petitioners that they are unemployed indigenous youth and are eligible to participate in a recruitment process undertaken as per the recruitment rules framed for Constable. The petitioners have sought setting aside and quashing of the appointments of the respondent nos. 20 to 183 on the ground that their appointments were in complete violation of the principles embodied in Article 14 and Article 16 of the Constitution of India.

4. When this writ petition was listed on 19.09.2024, the writ petition was directed to be listed after disposal of a batch of writ petitions, W.P.[C] no. 189/2022 to W.P.[C] no. 199/2022, the judgment in respect of which was already reserved after conclusion of hearing. After disposal of the batch of writ petitions, W.P.[C] no. 189/2022 to W.P.[C] no. 199/2022 by a common Judgment and Order dated 20.09.2024, this writ petition is listed today for consideration.

5. Mr. Sangtam, learned Additional Advocate General, Nagaland representing the respondent no. 1 as well as Mr. Jamir, learned counsel representing the respondent nos. 2 to 19 have submitted that no counter affidavit on behalf of the State respondents has been filed in this writ petition as in the batch of writ petitions involving similar issue, W.P.[C] no. 189/2022 to W.P.[C] no. 199/2022, a comprehensive affidavit-in-opposition on behalf of the State respondents was filed and the stand in the said comprehensive affidavit-in-opposition would also cover the issue involved in the instant writ petition. They have submitted that the said batch of writ petitions, W.P.[C] no. 189/2022 to W.P.[C] no. 199/2022 was disposed of by a common Judgment and Order dated 20.09.2024. They have also submitted that as there is no difference, in essence, between the facts and circumstances obtaining in the said batch of writ petitions, W.P.[C] no. 189/2022 to W.P.[C] no. 199/2022 and the present writ petition, the observations and directions made in the common Judgment and Order dated 20.09.2024 would also govern in this writ petition.

6. Ms. Zhimomi, learned counsel for the petitioners has submitted that the

observations and directions made in the common Judgment and Order dated 20.09.2024 passed in the batch of writ petitions, W.P.[C] no. 189/2022 to W.P.[C] no. 199/2022 will be applicable on all fours in this writ petition.

7. The prime contention raised in the batch of writ petitions, W.P.[C] no. 189/2022 to W.P.[C] no. 199/2022 was that the State respondent authorities during the period from January, 2018 to October, 2019 made appointments of 935 nos. of Constables in Nagaland Police without making any kind of advertisement and those appointments were made through backdoors. It was contended on behalf of the petitioners therein, who were similarly situated like the petitioners herein, that by making such illegal appointments without following the principles laid down in Article 14 and Article 16 of the Constitution of India, the petitioners therein were denied the benefit of participation in the recruitment process despite being eligible. From the common Judgment and Order dated 20.09.2024, it is noticed that the learned Advocate General, Nagaland during the course of his submissions, had fairly submitted that the State ought to have gone for advertisement prior to making the selection and appointments of the private respondents therein. While submitting so, it had been urged on behalf of the State respondents that it was not a case that the private respondents therein were not qualified or did not meet the eligibility criteria to be appointed as Constables in Nagaland Police. It was further urged that since the private respondents had rendered their due services to the State, their appointments ought not to be looked as illegal appointments merely because of the fact that there was no advertisement. During the course of their respective submissions, learned counsel for the petitioners as well as the learned counsel for the private respondents had also made submissions on the aspect of granting relaxation on various counts to them if the Court would find that the appointments made in favour of the private respondents were illegal and liable to be set aside. In the batch of writ petitions, W.P.[C] no. 189/2022 to W.P.[C] no. 199/2022, an affidavit was filed on behalf of the State on 20.08.2024 wherein it was indicated that one of the relaxations which the State of Nagaland had in their mind for extending to the candidates was age relaxation. Apart from the age relaxation, the State of Nagaland indicated in Annexure-A to the said

affidavit dated 20.08.2024 the other criteria where relaxations were envisaged.

8. The learned Single Judge after consideration of the manner in which the appointments of the private respondents in the batch of writ petitions, W.P.[C] no. 189/2022 to W.P.[C] no. 199/2022 had been made; on hearing the learned counsel for the parties; after perusal of the materials on record; and after examining the legality and validity of the appointments of the private respondents qua the principles embodied in Article 14 and Article 16 of the Constitution of India, has found the appointments of the private respondents therein illegal in the absence of any kind of advertisement. The learned Single Judge has also considered the aspect of relaxation sought by the sides of the petitioners and the private respondents. The said batch of writ petitions, W.P.[C] no. 189/2022 to W.P.[C] no. 199/2022 has been disposed of by the common Judgment and Order dated 20.09.2024 inter-alia with the following observations and directions :-

36. Accordingly, this Court therefore disposes of the instant batch of writ petitions with the following observations and directions:

[i] The appointments which have been challenged in the instant writ petitions, i.e. 935 posts of Constables who were appointed during the period from January, 2018 to October, 2019 by the State of Nagaland without advertisement are all set aside and quashed. The appointment orders enclosed as Annexures referred to in Paragraph No.3 of the instant judgment are set aside and quashed.

[ii] The State Respondents herein are directed to take steps for holding fresh selection of the 935 posts of Constables by issuance of advertisement in newspapers which are well circulated in the State of Nagaland. The said selection be held in accordance with law.

[iii] The process of selection be completed at the earliest and preferably within 6 [six] months from the date of the instant judgment.

[iv] The private Respondents herein whose appointments have been set aside by this judgment would be eligible to participate in the fresh selection process.

[v] The upper age limit of both the private Respondents as well as the Petitioners herein shall be given relaxation. However, there shall be no relaxation in the matter of basic qualifications as well as the Departmental physical criteria mentioned in Annexure-A to the affidavit dated 20.08.2024.

[vi] This Court had rejected the concession/relaxation as sought for in terms with Annexure-A of the affidavit dated 20.08.2024.

[vii] The private Respondents may be allowed by the State Respondents to continue in-service for a period of 6 [six] months from the date of the instant judgment or till such time fresh appointments are made pursuant to the selection directed hereinabove, **whichever is earlier.**

9. Ms. Zhimomi, learned counsel appearing for the petitioners has submitted that the fact situation obtaining in the batch of writ petitions, W.P.[C] no. 189/2022 to W.P. [C] no. 199/2022 is similar to the fact situation obtaining in the present writ petition and as such, this writ petition shall also be disposed of with the same observations and directions. On a query made by this Court to Mr. Sangtam, learned Additional Advocate General, Nagaland appearing for the respondent no. 1 and Mr. Jamir, learned counsel appearing for the State respondent nos. 2 to 19 on the point whether there exists any

distinguishing feature in the manner of appointment of the present respondent nos. 20 to 73 and the respondent nos. 75 to 183 from the manner of appointment of 935 nos. of Constables, which was the subject-matter of the common Judgment and Order dated 20.09.2024 [supra], they have fairly submitted that there appears to be no distinguishing feature in the manner of appointments in the two sets of Constables. The learned counsel appearing for the other respondents, noted in paragraph no. 1 above, have not also pointed towards any distinguishing feature between the two sets of appointment.

10. At this stage, Mr. Walling, learned counsel appearing for the respondent no. 74 has submitted that the case of the respondent no. 74 is not similarly situated with the respondent nos. 20 to 73 and the respondent nos. 75 to 183. He has referred to Annexure-B-54 of the writ petition as well as Annexure-4 of the affidavit-in-opposition filed by the respondent no. 74 to drive home the point that the respondent no. 74, Matevi was appointed as a Constable [GD] by an Order bearing no. No.VBN [RO-04] 2019-20/1407 dated 21.11.2019 on compassionate ground against an existing vacancy. He has further submitted that the appointment of the respondent no. 74 on compassionate ground was made as her husband, Late Losuvi Chakhesan who was a Constable in Nagaland Police, died-in-harness on 17.02.2013.

10.1. Against such submission, Ms. Zhimomi, learned counsel for the petitioners has admitted that the name of the respondent no. 74 in the array of respondents had been inadvertently crept in due to oversight and has fairly submitted that the case of the respondent no. 74 is to be treated differently from the other private respondents.

10.2. Mr. Sangtam, learned Additional Advocate General, Nagaland and Mr. Jamir, learned counsel for the respondent nos. 2 to 19 have also submitted that the case of the respondent no. 74 is distinguishable from the cases of the other private respondents, that is, the respondent nos. nos. 20 to 73 and the respondent nos. 75 to 183.

10.3. From the affidavit-in-opposition filed by the respondent no. 74, it is noticed that after the death of her husband, Late Losuvi Chakhesan, who was a Constable in Nagaland Police on 17.02.2013, the respondent no. 74 represented before the appointing authority to provide her employment on compassionate ground. When the State respondents were found to have not taken any action regarding her appointment on compassionate ground, the respondent no. 74 as the writ petitioner had preferred a writ petition, W.P.[C] no. 104[K]/2018 [Smti. Matevi vs. State of Nagaland and others] seeking inter alia a direction to the State respondents to provide her appointment on compassionate ground. The writ petition, W.P.[C] no. 104[K]/2018 came up for consideration on 19.06.2018 and the same was disposed of by an Order of even date by the Court with a direction to the State respondent authorities to consider the case of the petitioner therein, that is, the respondent no. 74 herein, Matevi for appointment to any suitable post to which she was eligible in terms of the Office Memorandum dated 17.09.2015 issued by the Personnel & Administrative Reforms Department, Nagaland, if there was any vacancy or as and when any vacancy would arise. The State respondents were directed to complete the process within a period of 3 [three] months if there was vacancy since the petitioner had been waiting for a long time. On perusal of the Order of appointment dated 21.11.2019 of the respondent no. 74, annexed as Annexure-B-54 to the writ petition and also as Annexure-4 to the affidavit-in-opposition of the respondent no. 74, it has become evident that the appointment of the respondent no. 74 as a Constable [GD] was made on compassionate ground in an existing vacancy. In such obtaining fact situation, the appointment of the respondent no. 74 is not found similar to the appointments of the respondent nos. 20 to 73 and the respondent nos. 75 to 183.

11. It has been settled by a long line of decisions of the Hon'ble Supreme Court of India and of this Court that an appointment made without any advertisement and any selection process/interview does not meet the requirements of Article 14 and Article 16 of the Constitution of India, as the same deprives all other eligible candidates from submitting their candidatures and from participating in the competition undertaken for filling-up such a post. One of such decisions is **State of Orissa and another vs.**

**Mamata Mahanty**, reported in [2011] 3 SCC 436. In the said decision which is also referred to in the common Judgment and Order dated 20.09.2024, the Hon'ble Supreme Court of India has observed as under :

“Appointment/employment without advertisement

35. At one time this Court had been of the view that calling the names from employment exchange would curb to certain extent the menace of nepotism and corruption in public employment. But, later on, came to the conclusion that some appropriate method consistent with the requirements of Article 16 should be followed. In other words there must be a notice published in the appropriate manner calling for applications and all those who apply in response thereto should be considered fairly. Even if the names of candidates are requisitioned from employment exchange, in addition thereto it is mandatory on the part of the employer to invite applications from all eligible candidates from the open market by advertising the vacancies in newspapers having wide circulation or by announcement in radio and television as merely calling the names from the employment exchange does not meet the requirement of the said article of the Constitution. [Vide *Delhi Development Horticulture Employees' Union vs. Delhi Administration, Delhi and others*, [1992] 4 SCC 99; *State of Haryana and others vs. Piara Singh*, [1992] 4 SCC 118; *Excise Superintendent Malkapatnam, Krishna District, A.P. vs. K.B.N. Visweshwara Rao and others*, [1996] 6 SCC 216; *Arun Tewari and others vs. Zila Mansavi Shikshak Sangh and others*, [1998] 2 SCC 332; *Binod Kumar Gupta and others vs. Ram Ashray Mahoto and others*, [2005] 4 SCC 209; *National Fertilizers Limited and others vs. Somvir Singh*, [2006] 5 SCC 493; *Telecom District Manager and others vs. Keshab Deb*, [2008] 8 SCC 402; *State of Bihar vs. Upendra Narayan Singh and others*, [2009] 5 SCC 65; and *State of Madhya Pradesh and another vs. Mohd. Abraham*, [2009] 15 SCC 214.

36. Therefore, it is a settled legal proposition that no person can be appointed even on a temporary or ad hoc basis without inviting applications

from all eligible candidates. If any appointment is made by merely inviting names from the employment exchange or putting a note on the notice board, etc. that will not meet the requirement of Articles 14 and 16 of the Constitution. Such a course violates the mandates of Articles 14 and 16 of the Constitution of India as it deprives the candidates who are eligible for the post, from being considered. A person employed in violation of these provisions is not entitled to any relief including salary. For a valid and legal appointment mandatory compliance of the said constitutional requirement is to be fulfilled. The equality clause enshrined in Article 16 requires that every such appointment be made by an open advertisement as to enable all eligible persons to compete on merit.”

11.1. In **Binod Kumar Gupta and others vs. Ram Ashray Mahoto and others**, reported in [2005] 4 SCC 209, the appellants were appointed in Class - IV posts. It was found that they were appointed in the Grade - IV posts without issuing any advertisement in any newspaper and without adequate notice and fair opportunity to others who might have applied. It did not appear from records that the appellants' appointments were preceded by any selection procedure/interview at all. It has, therefore, been held that the appointments were not made in a *bona fide* manner despite a directive to advertise the vacancies in the newspapers. After setting aside the appointments of the appellants, a direction was made to issue fresh advertisement for filling up vacancies in Class - IV posts. In such scenario, it has been observed by the Hon'ble Supreme Court of India that the continuance of the appellants in service cannot be allowed merely because they had been found working in the Grade - IV posts for the last 15 years as the same would amount to condoning a gross irregularity in their initial appointments.

12. It is the admitted case of the parties that the orders of appointment of the respondent nos. 20 to 73 and the respondent nos. 75 to 183 were made without any kind of advertisement and without following the principles which emanate from Article 14 and Article 16 of the Constitution of India. As there was no advertisement, the said

act had deprived all the eligible candidates including the petitioners herein, to submit their candidatures for the vacancies in question. Such action on the part of the State respondent authorities leading to the appointments of the respondent nos. 20 to 73 and the respondent nos. 75 to 183 are found in clear violation of the principles enshrined in Article 14 and Article 16 of the Constitution of India.

13. The law is well settled that a co-ordinate bench follows a decision of an earlier co-ordinate bench. If a co-ordinate bench does not agree with the principles of law enunciated by another co-ordinate bench, the matter can only be referred to a larger bench. But, no decision can be arrived at contrary to or inconsistent with the law laid down by the co-ordinate bench earlier.

14. As no distinguishable feature is found between the facts and circumstances obtaining in the present writ petition and the facts and circumstances obtaining in the batch of writ petitions, W.P.[C] no. 189/2022 to W.P.[C] no. 199/2022, this Court is of the considered view that the observations and directions made in Paragraph 36 of the common Judgment and Order passed in the batch of writ petitions, W.P.[C] no. 189/2022 to W.P.[C] no. 199/2022 are also applicable in the case in hand. Such view of this Court is also fortified from the submissions of the learned counsel for the parties including the learned counsel appearing for the State respondent authorities, who are at consensus ad idem on the fact that the appointments of the respondent nos. 20 to 73 and the respondent nos. 75 to 183 were made in a similar manner like the 935 nos. of appointments in the post of Constable in Nagaland Police, challenged in the batch of writ petitions, W.P.[C] no. 189/2022 to W.P.[C] no. 199/2022, which are disposed of by the common Judgment and Order dated 20.09.2024 [supra].

15. In the above facts and circumstances obtaining in the case in hand, the present writ petition is disposed of with the following observations and directions.

[i] The appointments of the respondents, that is, of the respondent nos. 20 to 73 and the respondent nos. 75 to 183, challenged in the writ petition,

to the post of Constables who were appointed during the period from January, 2018 to September, 2020 by the State respondent authorities without any advertisement are all set aside and quashed. The appointment orders enclosed as Annexure-B to B-53 and Annexure-B-55 to B-183 are set aside and quashed.

[ii] As the respondent no. 74 is found to have been appointed in a post of Constable [GD] against an existing vacancy on compassionate ground vide an Order of Appointment dated 21.11.2019 [Annexure-B-54], no interference is made in respect of the appointment of the respondent no. 74.

[iii] The State respondents are directed to take steps for holding fresh selection of the posts of Constables, which become vacant due to setting aside and quashing of the orders of appointment issued in respect of the respondent nos. 20 to 73 and the respondent nos. 75 to 183, by issuance of advertisement in newspapers which are widely circulated throughout the State of Nagaland. The said selection be held in accordance with law. It is further observed that the process of recruitment shall be conducted following the principles enshrined in Article 14 and Article 16 of the Constitution of India.

[iv] The process of selection shall be completed at the earliest and preferably within 6 [six] months from the date of the present order.

[v] The respondent nos. 20 to 73 and the respondent nos. 75 to 183 herein whose appointments have been set aside by this judgment would be eligible to participate in the fresh selection process.

[vi] The upper age limit of the respondent nos. 20 to 73 and the respondent nos. 75 to 183 as well as the petitioners herein shall be given relaxation. However, there shall be no relaxation in the matter of basic qualifications as well as the Departmental physical criteria.

As held in the common Judgment and order dated 20.09.2024 [supra] that there shall be no concession/relaxation as sought for in terms with Annexure-A of the affidavit filed by the State of Nagaland on 20.08.2024 in the batch of writ petitions, W.P.[C] no. 189/2022 to W.P.[C] no. 199/2022, this Court likes

to observe in similar manner, though the affidavit dated 20.08.2024 is not part of the records of this case.

[vii] The respondent nos. 20 to 73 and the respondent nos. 75 to 183 may be allowed by the State respondents to continue in-service for a period of 6 [six] months from the date of the instant order or till such time fresh appointments are made pursuant to the selection directed hereinabove, whichever is earlier.

[viii] It is further observed that during the continuance of service of the respondent nos. 20 to 73 and the respondent nos. 75 to 183 as observed in para [vii] above, they are required to maintain discipline required on the part of the members of the Nagaland Police Force and in case of any act of indiscipline on their part, the State respondent authorities would be at liberty to deal with such act of indiscipline in accordance with law.

**JUDGE**

**Comparing Assistant**