



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

Case No. : WP(C)/334/2023

MR. KENEISETUO SEKHOSE,
S/O LATE KHRIESAZOTUO SEKHOSE,
R/O H/NO. 171,
TENYIPHE-1 VILLAGE, C KHEL,
CHUMOUKEDIMA, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
NAGALAND, KOHIMA 2:THE HOME COMMISSIONER AND SECRETARY

NAGALAND
KOHIMA

3:THE DIRECTOR GENERAL OF POLICE

KOHIMA
NAGALAND

4:THE SUPERINTENDENT OF POLICE

KOHIMA
NAGALAN

For the Petitioner(s) : Mr. M. Kasar, Advocate

For the Respondent(s) : Mr. Y. Achungli Sangtam, Government Advocate

**BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 29.02.2024

1. The case of the Petitioner herein is that the father of the Petitioner was appointed as a NCE (Sweeper) Grade-IV Post at the Office of the Superintendent of Police, Kohima on 19.06.2022 and was regularized on 23.07.2009. Unfortunately, the father of the Petitioner died in harness on 20.01.2023 leaving behind the Petitioner's mother and three children including the Petitioner.

2. The Petitioner thereupon submitted an application on 08.02.2023 to the Office of the Superintendent of Police, Kohima praying for appointment in Grade-IV post on compassionate/humanitarian ground in terms with the Office Memorandum dated 17.09.2015. It is the specific case of the Petitioner that the Petitioner's case has not been considered and as such the Petitioner has approached this Court seeking directions upon the Respondents to appoint the Petitioner on compassionate ground.

3. This Court had duly taken note of the Office Memorandum dated 17.09.2015 as well as the insertion of the Clause-11 to the said Office Memorandum dated 17.09.2015 vide the addendum dated 09.04.2019. The insertion of Clause-11 stipulates that the consideration in terms with the Office Memorandum dated 17.09.2015 has to be strictly in the order of the date of death and first preference shall always be given against those who have died

earlier and who fulfils all other eligibility criteria.

4. Taking into account the above, this Court vide an order dated 15.12.2023 had sought for instructions from the Respondents as to whether the Petitioner's case has been duly considered. Today, Mr. Y. Achungli Sangtam, the learned Government Advocate appearing on behalf of the Respondents submitted that the Petitioner's case has been duly put under consideration and as per the roster list maintained, the Petitioner's name is at Serial No.64. He however submitted that there has been no appointment for the last 3 (three) years but the Government is taking appropriate steps for doing so in terms with the Office Memorandum dated 17.09.2015 and under such circumstances, the Petitioner's case would be duly considered.

5. During the course of hearing, Mr. Y. Achungli Sangtam, the learned Government Advocate appearing on behalf of the Respondents has submitted an instruction dated 26.02.2024 which is kept on record and marked with the letter "X".

6. Taking into account that the Petitioner's case is under consideration, this Court does not find any reason for continuing with the instant proceedings. However, this Court directs the Respondent Authorities to consider the case of the Petitioner in terms with the Office Memorandum dated 17.09.2015 read with the addendum dated 09.04.2019.

7. The learned counsel for the Petitioner would be at liberty to take a certified copy of the said instructions which was placed before this Court and marked with the letter "X".

8. With above observations and directions, the instant writ petition stands disposed of.

Sd/-

JUDGE

Comparing Assistant