

GAHC020000182024



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

Case No. : WP(C)/4/2024

SHRI IBAGONG HEGA
S/O GOBI
R/O PEREN VILLAGE, PEREN NAGALAND

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF
NAGALAND

2:THE COMMISSIONER AND SECRETARY
FOOD AND CIVIL SUPPLIES
NAGALAND KOHIMA

3:THE DIRECTOR
FOOD AND CIVIL SUPPLIES
NAGALAND KOHIMA

4:THE ASSISTANT DIRECTOR OF SUPPLY
PEREN NAGALAND

5:SMTI. TONNY K
D/O KHUTOI
C/O ADS PERE

Advocate for the Petitioner : C. T. JAMIR, SR. ADV, IMTILA
PONGEN,JIWALO APON,NUNGSANG AIER,KROVI TSUKRU,TOSHI JAMIR,ASA
RUTSA,ALIBA OZUKUM,I IMCHEN

Advocate for the Respondent : GOVT ADV NL,

BEFORE
HON'BLE MRS. JUSTICE SUSMITA PHUKAN KHAUND
ORDER

Date : 29-07-2025

Heard the learned Sr. counsel Mr. C.T. Jamir assisted by Mr. Aliba Ozukum for the petitioner Shri Ibagong Hega, Mr. M. Longkumer, learned Government Advocate for the State respondent Nos. 1 to 4 and Ms. Nagali Shohe, learned counsel for the respondent No.5.

2. The petitioner is aggrieved by the appointment of the respondent No.5 in violation of the OM dated 04.06.2016 of the Government of Nagaland, Personnel and Administrative reforms Department (Administrative Reforms Branch) as the respondent No.5 or his ancestors were land owners in Peren region. On the contrary, the learned counsel for the petitioner submits that the petitioner is a descendant of the land owner and their family donated their land for several Government offices including the office of the Assistant Director Food & Civil Supplies, Peren. The petitioner is aggrieved as the petitioner was not considered for appointment in Grade-IV vacancy in the same Department.

3. The petitioner thereafter approached the respondent authorities on several occasions but could not evoke any response from the authorities, even in terms of the agreement dated 23.11.1998 as well as the standing OM dated 05.03.2019. The petitioner was impelled to submit representation dated 20.04.2023 addressed to the Director, Food and Civil Supplies, Nagaland Kohima for appointment as Scaleman in their establishment. It is contended that despite having knowledge about

the agreement dated 23.11.1998 annexed along with affidavit-in-reply as Annexure-X, the petitioner was not considered for the appointment to the aforementioned post as per the terms of the agreement. The respondent authorities vide impugned order dated 11.11.2019 appointed Smt Tonny K who is neither a land owner nor indigenous inhabitant of Peren district in violation of the agreement dated 23.11.1998 and OM dated 04.06.2016. The petitioner has prayed to set aside the impugned order dated 11.11.2019 as a discriminatory order has been passed arbitrarily and whimsically.

4. The learned counsel for the respondent No.5 has submitted that the respondent No.5 was appointed by the Directorate of Food and Civil Supplies, Dimapur on 11.11.2019 and was posted at Peren and that there is no illegality in her appointment. It is further submitted that owing to exigencies of service the respondent No.5 was appointed on temporary basis.

5. Mr. M. Longkumer, learned Government Advocate has submitted that application submitted by another candidate Shri Nsinlakpe Zeliang who claims to be land owner was considered and he was appointed vide order dated 13.05.1999 as Peon in the aforementioned Department at Peren. Thus, it is clear that the Deputy Commissioner, Peren appoints candidates on the basis of land ownership. It is further submitted that Notification No.LR/6-181/LIT/2015 dated 05.03.2018 at para 3 (Annexure-D) of the petition clearly indicates that once a land owner is appointed for a particular post another land owner cannot in perpetuity be allowed to be appointed. Thus the petitioner has no enforceable right which has already been extinguished by the

appointment of Nsinlakpe Zeliang. It is further submitted that the petitioner has not shown any documents of land ownership claimed by the petitioner as descendant.

6. In reply, the learned Sr. counsel for the petitioner has submitted that the agreement dated 23.11.1998 marked as Annexure-X to the affidavit-in-reply clearly indicates that the petitioner's father's name, Mr. Gobi is at Sl. No.13 as he was the owner of the land taken over by the Department. Thus, the petitioner's right to employment has been infringed arbitrarily by appointing the respondent No.5. It is further submitted on behalf of the petitioner that although attention of this Court is drawn to the appointment of Shri Nsinlakpe Zeliang, yet there are no documents to substantiate and affirm that the appointment was made after considering that the candidate was land owner of the particular area. It is also submitted that the Village Council certificate marked as Annexure-C clearly reflects that the petitioner is a land owner in the particular area.

7. The learned Government Advocate has further contradicted the submission stating that in any order, the verification by the office of the Deputy Commissioner is not reflected while appointing an employee on the basis of land ownership.

8. I have considered the submissions at the bar with circumspection.

9. The learned Government Advocate has not substantiated his submission with documents that the candidature of Nsinlakpe Zeliang was considered on land ownership basis of that area. On the contrary, the petitioner has clearly furnished documents to substantiate that the petitioner is a land owner of

that particular area. The respondent No.5 was indeed not a land owner and as submitted by the learned counsel for the respondent No.5, she was appointed at Dimapur and posted at Peren, owing to exigencies of service.

10. After considering all aspects, I deem it appropriate to direct the respondents more particularly, the respondent Nos. 2 and 3 to verify if the petitioner is the land owner in terms of the Notification dated 05.03.2018 and consider the petitioner's prayer for appointment in the Department of Food and Civil Supplies, Peren within 3(three) months from the date of receipt of a copy of this order. The respondents are also directed to verify if Nsinlakpe Zeliang is also a land owner having landed property in the Peren region.

11. In terms of the above observation, this writ petition is disposed of.

**Sd/-
JUDGE**

Comparing Assistant