GAHC020000952025 2025:GAU-NL:317

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

Case No. : WP(C)/32/2025

ANUNGLA PONGENER AND 25 ORS
AHM,
GHS NAHARBARI, UNDER DEO DIMAPUR, NAGALAND

2: MR P. HANTING KHIAMNIUNGAN
AHM
GHS NOKLAK VILLAGE
UNDER
DEO NOKLAK
NAGALAND

3: MRS BENGDANGLEMLA
AHM
GHS BURMA CAMP
UNDER DEO
DIMAPUR
NAGALAND

4: MRS UNO K DOLIE
AHM
GHS
MAOVA UNDER DEO
CHUMUKEDIMA
NAGALAND

5: MR AHICHU KATH
AHM
GHS Botsa under DEO Kohima
Nagaland.

6: MR KHIKEYA KEZ
AHM
GHS Jalukie B under DEO Peren

Nagaland.

7: MRS R. ROSEMARY KENT
AHM
GHS Naga united village under DEO Dimapur
Nagaland.

8: MRS ADE SOPHIE
AHM
GHS Kezocha under DEO Kohima
Nagaland.

9: MR. PHAYAMO APON

AHM
GHS Chungtor under DEO Tuensang
Nagaland.

10: MR Y. ZULUTEMBA
AHM
GHS Under under DEO Mokokchung
Nagaland.

11: MR VISEDELHOU RHAKHO
AHM
GHS Lozaphuhu under DEO Phek
Nagaland.

12: MR JAMES MHONBEMO YANTHAN
AHM
GHS Mekokla under DEO Wokha
Nagaland

13: MR KHUTOVI SEMA
AHM
GHS Lazami under SDEO Pughoboto
Nagaland.

14: MR IMTISUNGKUM
AHM
GHS Chuchuyimpang under DEO Mokokchung
Nagaland.

15: MR LIPOKMEREN
AHM
GHS Mangmetong under DEO Mokokchung
Nagaland.

16: MRS SOHILE TEP

AHM
GHS Kasha under SDEO Tseminyu
Nagaland.

17: MR SENCHEMO YANTHAN
AHM
GHS Changsu under DEO Wokha
Nagaland.

18: MR PONCHULO WANTH

AHM
GHS Tesophenyu under SDEO Tseminyu
Nagaland.

19: MR LHIWULO
AHM
GHS Porba under DEO Phek
Nagaland.

20: MRS C. IMCHASANGLA

AHM
GHS Sungratsu under DEO Mokokchung
Nagaland.

21: MR KHRUHUYI KEYHO
AHM
GHS Khuazu Basa under DEO Phek
Nagaland.

22: MR KHOSHAKO HUMTSOE
AHM
GHS Lotsu under DEO Wokha
Nagaland.

23: MRS TIAKALA
AHM
GHS Lengrijan under DEO Dimapur
Nagaland.

24: MR VEKHOLE RHAKHO
AHM
GHS Mopungchuket under DEO Mokokchung
Nagaland.

25: MRS YARSENLA
AHM
GHS Mopungchuket under DEO Mokokchung
Nagaland.

26: MR Y. VITOSHE SHEQI
AHM
GHS Sapoti under DEO Zunheboto
Nagaland

VERSUS

THE STATE OF NAGALAND AND 154 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF NAGALAND, KOHIMA, NAGALAND

2:THE COMMISSIONER AND SECRETARY
To The Government Of Nagaland
Department of School Education
Kohima
Nagaland.

3:EUNICE N SEMA
AHM
GHS
Azailong under DEO Peren
Nagaland.

4:L. YANPOTHUNG LOTHA
AHM

GHS Konya under DEO Tuensang
Nagaland.

5:T. LIDONG YANLEM
AHM
GHS Wakching under DEO Tuensang
Nagaland.

6:SENTITULA LONGKUMER
AHM
GHS under DEO Mokokchung Alongtaki
Nagaland.

7:CHASU CHARLES
AHM
GHS Longmatra under DEO Kiphire
Nagaland.

8:KUHUCU MEDEO
AHM
GHS Chimonger under DEO Tuensang
Nagaland.

9:P. YIHAMO LOTHA
AHM
GHS Kichang under DEO Kiphire
Nagaland.

10:CHUBAWATILA
AHM
GHS Benreu under DEO Tuensang
Nagaland.

11:HUTOLI SHOHE
AHM
GHS AGHUNAQA UNDER DEO DIMAPUR
NAGALAND

12:H.B CHINGMAK
AHM
GHS Pushu under DEO Tuensang
Nagaland.

13:MARY TEP
AHM
GHS Sakshi under DEO Longleng
Nagaland.

14:ZHAVILIE MEDON
AHM
GHS Tenyiphe-1 under DEO Dimapur
Nagaland.

15:SWEDESUNUO ZAO
AHM
GHS Forest Colony under DEO Kohima
Nagaland.

16:BOHOTO SEMA
AHM
GHS Sitimi under DEO Kiphire
Nagaland.

17:K. MUKAMCHIM YIMCHUNGER
AHM

GHS Sotokur under SDEO Shamator
Nagaland.

18:TIAINLA
AHM
GHS Khar under DEO Mokokchung
Nagaland.

19:INUSHE SWU
AHM
GHS Ighanumi under SDEO Pughoboto
Nagaland.

20:KAKHENI

AHM
GHS Xuivi under DEO Zunheboto
Nagaland.

21:P. KUGHALU YEPTHOMI
AHM
GHS Mangkao under SDEO Shamator
Nagaland.

22:H. MANKHAT KONYAK

AHM
GHS Chingkao under SDEO Aboi
District Mon
Nagaland.

23:USHA DEVI
AHM
GHS Yoruba under DEO Phek
Nagaland.

24:M. MURUGAN

AHM
GHS Mimi under DEO Kiphire
Nagaland.

25:SAGAR CHANDRA GHOSH
AHM
GHS Longching under SDEO Aboi
District Mon
Nagaland.

26:NEIKEDU DOULO
AHM
GHS Heningkunglwa under DEO Peren
Nagaland.

27:MATHEW JOSEPH
AHM
GHS Khuza under DEO Phek
Nagaland.

28:VISHELI
AHM
GHS Asukika under DEO Zunheboto
Nagaland.

29:JONGPONGTOLA
AHM
GHS Asangma under DEO Mokokchung
Nagaland.

30:VESHETSOLE RHAKHO
AHM
GHS Sohomi under DEO Phek
Nagaland.

31:KHRIELIE LINYU
AHM
GHS PANSO UNDER DEO
TUENSANG
NAGALAND

32:T. MERENLA
AHM
GHS Yanongyimsen Compound
under SDEO Changtongya
District Mokokchung
Nagaland.

33:PAUL TANGAL
GHS Longthrok under DEO Tuensang
Nagaland.

34:MELESA
AHM
GHS Mopong under DEO Mon
Nagaland.

35:VIKUOZOLIE SUOKHRIE

AHM
GHS Nyiro under DEO Wokha
Nagaland.

36:IMKONGAKUM
AHM
GHS Bura Namsang under DEO Longleng
Nagaland.

37:KELEVI DOLIE
AHM
GHS Bongkolong under DEO Peren
Nagaland.

38:SHRI VEDUSA
AHM
GHS BAYAVU UNDER DEO
KOHIMA NAGALAND

39:SHRI ARIBA
AHM
GHS CHIMONGER UNDER DEI TUENSANG
NAGALAND

40:SHRI H. PONGWANG PHOM
AHM
GHS TAMLU UNDER DEO LONGLENG
NAGALAND

41:SHRI SHASINLO THONG
AHM
GHS SENDENYU UNDER DEO TSEMINYU
NAGALAND

42:SMTI. Y. ESTHER AWOMI
AHM
GHS MOLUNGKIMONG YNDER DEO MOKOKCHUNG
NAGALAND

43:SHRI WEDETE TSUHA
AHM
GHS PHOLAMI UNDER DEO PHEK
NAGALAND

44:SHRI C RAKOMO EZUNG
AHM
GHS WOZHURO UNDER DEO WOKHA

NAGALAND

45:SHRI YANKHONIMO PATTON
AHM
GHS SANIS UNDER DEO WOKHA NAGALAND

46:SMTI. KEDUOKHRIENUO LINYU
AHM
GHS MOLVOM UNDER DEO DIMAPUR NAGALAND

47:SHRI BENDANGANGSHI JAMIR
AHM
GHS YISENYONG UNDER DEO MOKOKCHUNG NAGALAND

48:SMTI. AKHETOLI SUMI
AHM
GHSBEISUMPUIKAM UNDER DEO OEREN NAGALAND

49:SHRI R. BENDANGTOSHI
AHM
GHS LONGJANG UNDER DEO MOKOKCHUNG NAGALAND

50:SMTI. KEKHRIEKESONO NAKHRO
AHM
GHS TASAZHU UNDER DEO KOHIMA NAGALAND

51:SMTI. Y INDRA ZHIMOMI
AHM
GHS TASAZHU UNDER DEO KOHIMA NAGALAND

52:DR. Y. HUKHELI ZHIMOMI
AHM
GHS TOLUVI UNDER DEO DIMAPUR NAGALAND

53:SMTI KONUO
AHM
GHS DIPHUPAR B UNDER DEO DIMAPUR
NAGALAND

54:SHRI TSEWELE TSUHA
AHM
GHS THETSUMI UNDER DEO PHEK NAGALAND

55:SHRI RUKUVITO KIKHI
AHM
GHS SAKHABAMA UNDER DEO KOHIMA NAGALAND

56:SHRI BUNYI BONI ZHOLIA

AHM
GHS RAZEBA UNDER DEO PHEK NAGALAND

57:SHRI INATO JAKHA
AHM
GHS ASULOTO UNDER DEO ZUNHEBOTO NAGALAND

58:SHRI BOKAHO T SEMA
AHM
GHS SURUHUTO UNDER DEO ZUNHEBOTO NAGALAND

59:SMTI KEDUODENUO
AHM
GHS KHUZAMA UNDER DEO KOHIMA NAGALAND

60:SMTI KHRIEZOBEINUO YHOME
AHM
GHS CHANDMARI UNDER DEO KOHIMA NAGALAND

61:SHRI L. KIYELHO ASSUMI
AHM
GHS T/ISLAND UNDER DEO ZUNHEBOTO
NAGALAND

62:SHRI VIYISHE SEMA
AHM
GHS SAPTIQA UNDER DEO ZUNHEBOTO NAGALAND

63:SMTI. N. KAHONI CHISHI
AHM
GHS THAHEKHU UNDER DEO DIMAPUR NAGALAND

64:SHRI MERENSANGBA
AHM
GHS KANGCHING UNDER DEO LONGLENG NAGALAND

65:SHRI LHOUVUSALIE YANO
AHM
DEO KOHIMA NAGALAND

66:SHRI MEZIHU SHUJO
AHM
GHS PHUSACHADU UNDER DEO PHEK NAGALAND

67:SHRI RHUMATHO KATIRY
AHM
GHS TUTSU UNDER DEO PHEK NAGALAND

68:SMTI. L. KAHULI SEMA
AHM
GHS ZUHESHEI UNDER DEO NIULAND NAGALAND

69:SHRI N PONGHOK
AHM
GHS TONGLONGSOR UNDER DEO TUENSANG NAGALAND

70:SHRI KHROTELO ELAH
AHM
GHS TNESULUMI UNDER DEO PHEK NAGALAND

71:SMTI. SUNGJEMMENLA
AHM
GHS DILONG UNDER DEO MOKOKCHUNG NAGALAND

72:SMTI MOAMENLA
AHM
GHS CHANTONGYA-B UNDER DEO MOKOKCHUNG NAGALAND

73:SMTI. VEVOSALU TETSEO
AHM
GHS RUSOMA UNDER DEO KOHIMA NAGALAND

74:SMTI NELHOUSIENUO
AHM
GHS SOVIMA UNDER DEO
CHUMOKEDIMA
NAGALAND.

75:SMTI LUSIE KATIRY

AHM
GHS KAMALEA UNDER DEO
PHEK
NAGALAND.

76:SHRI L. CHUMCHAMO KHUVUNG

AHM
GHS YIMPANG UNDER DEO
WOKHA
NAGALAND.

77:SHRI A. MHONSAO YANTHAN

AHM
GHS ENGLANG UNDER DEO

WOKHA
NAGALAND.

78:SHRI I. CHUBASENGBA LONGKUMER
AHM
GHS CHANTOGYA UNDER DEO

MOKOKCHUNG
NAGALAND.

79:SHRI KEZEVINUO KROME
AHM
GHS KIKRUMA UNDER DEO
PHEK
NAGALAND.

80:SHRI NEIKETOU KEWHIEO
AHM
GHS MERIEMA UNDER DEO
KOHIMA
NAGALAND.

81:SMTI ROSANA EZUNG
AHM
GHS LONGSA UNDER DEO
WOKHA
NAGALAND.

82:SHRI ZENSINLO KENT
AHM
GHS AKUK UNDER DEO
WOKHA
NAGALAND.

83:SHRI VEKHOZO
AHM
GHS JAPAN RIBA UNDER DEO
PHEK
NAGALAND.

84:SHRI CHEGESENG KATH
AHM
GHS THUVOPISU UNDER DEO
PHEK
NAGALAND.

85:SMTI BENDANGRENLA LKR
AHM

GHS DIBUIA UNDER DEO
MOKOKCHUNG
NAGALAND.

86:SHRI X. SUKHALU ASSUMI
AHM
GHS RACHAN UNDER DEO
WOKHA
NAGALAND.

87:SMTI Z. IKHULI CHOPHY
AHM
GHS AKAHUTO UNDER DEO
DIMAPUR
NAGALAND

88:SHRI N. KIYEKHU SEMA
AHM
GHS MONGSENYIMTI UNDER DEO
MOKOKCHUNG
NAGALAND

89:SMTI R. CHIPENO MURRY
AHM
GHS LONGIDANG UNDER DEO
WOKHA
NAGALAND

90:SHRI SANGYUTEMJEN
AHM
GHS LIRMEN UNDER DEO
MOKOKCHUNG
NAGALAND

91:SMTI SHEVOLU RHAKHO
AHM
GHS PHEK TOWN UNDER DEO
PHEK
NAGALAND

92:SHRI BOHOTO ZHIMO
AHM
GHS XAMUNUBOTI UNDER DEO
ZUNHEBOTO
NAGALAND

93:SMTI PAULAMLE SEPHE
AHM

GHS DC COLONY PEREN TOWN UNDER DEO
PEREN
NAGALAND

94:SMTI NEILATUONUO
AHM
GHS KIRUPHEMA UNDER DEO
KOHIMA
NAGALAND.

95:SHRI L. VIKUGHA
AHM
GHS LOAKKUM UNDER DEO
MON
NAGALAND.

96:SHRI KEVIZAPRA MERE
AHM
GHS NERHE MODEL VILLAGE UNDER DEO
KOHIMA
NAGALAND.

97:SMTI INGAULULE LIEGISE
AHM
GHS MHAINAMTSI UNDER DEO
PEREN
NAGALAND.

98:SHRI CHUBALEPDEN
AHM
GHS ALONGKIMA UNDER DEO
MOKOKCHUNG
NAGALAND.

99:SMTI K. BOKALI ZHIMO
AHM
GHS SHOVISHE MEMORIAL UNDER DEO
ZUNHEBOTO
NAGALAND.

100:SMTI NIKENCHILA
AHM
GHS CHANGKI UNDER DEO
MOKOKCHUNG
NAGALAND.

101:SMTI VITSOKHONO CHUCHA
AHM

GHS KHONOMA UNDER DEO
KOHIMA
NAGALAND.

102:SHRI IMLIYANGER
AHM
GHS CHUCHUTIMLANG UNDER DEO
MOKOKCHUNG
NAGALAND.

103:SMTI IMLIMONGLA
AHM
GHS MOKOKCHUNG VILLAGE UNDER DEO
MOKOKCHUNG
NAGALAND.

104:SMTI WATISANGLA
AHM
GHS TZUDIKONG UNDER DEO
MOKOKCHUNG
NAGALAND.

105:SHRI KATHU RENGMA
AHM
GHS CHUNLIKHA UNDER DEO
TSEMINYU
NAGALAND.

106:SMTI ANALI SEMA
AHM
GHS AKUHATO UNDER DEO
ZUNHEBOTO
NAGALAND.

107:SMTI HUKASHI YEPTHO
AHM
GHS ATOIZU UNDER DEO
ZUNHEBOTO
NAGALAND.

108:SHRI S. VANBEN PHOM
AHM
GHS YOTAN UNDER DEO
LONGLENG
NAGALAND.

109:SMTI Y. INAHOLI KIBA
AHM

GHS NITO UNDER DEO
DIMAPUR
NAGALAND.

110:SMTI HELEN PATTON
AHM
GHS NIHOTO UNDER DEO
DIMAPUR
NAGALAND.

111:SHRI V. ATOHO SEMA
AHM
GHS YANPI UNDER DEO
TUENSANG
NAGALAND.

112:SHRI THONGSENLO RENGMA
AHM
GHS KANDINU UNDER DEO
TSEMINYU
NAGALAND.

113:SHRI H. KAMCHUMONG
AHM
GHS CHINGMELEN UNDER DEO
TUENSANG
NAGALAND.

114:SHRI PICHAMO JUNGIO
AHM
GHS RACHAN UNDER DEO
WOKHA
NAGALAND.

115:SHRI HAPEMO SHITERE
AHM
GHS PHANGSANG UNDER DEO
MOKOKCHUNG
NAGALAND.

116:SMTI KIKALI ACHUMI
AHM
GHS SEMATELLA UNDER DEO
DIMAPUR
NAGALAND.

117:SHRI L. T. HENDOK
AHM

GHS NYENGCHING UNDER DEO
LONGLENG
NAGALAND.

118:SHRI IMOTOSHI
AHM
GHS LONGMISA UNDER DEO
MOKOKCHUNG
NAGALAND.

119:SMTI NAONGCHEMTEN
AHM
GHS CHARE UNDER DEO
TUENSANG
NAGALAND.

120:SHRI N. HENTY PHOM
AHM
GHS PHUMNYU UNDER DEO
LONGLENG
NAGALAND.

121:SMTI K. MUNENLE TEP
AHM
GHS TSEMINYU TOWN UNDER DEO
TSEMINYU
NAGALAND.

122:SMTI THEJANGUNO LHOUSA
AHM
GHS MEZOMA UNDER DEO
KOHIMA
NAGALAND.

123:SHRI NEISIELHOU YANO
AHM
GHS DUNKI UNDER DEO
PEREN
NAGALAND.

124:SHRI UMESH KUMAR SINGH
AHM
GHS SHANGNYU UNDER DEO
MON
NAGALAND.

125:SHRI RABINDRA KUMAR SINGH
AHM

GHS CHESSORE UNDER DEO
SHAMATOR
NAGALAND.

126:SMTI K. LEYE
AHM
GHS MON VILLAGE UNDER DEO
MON
NAGALAND.

127:SHRI NIKHETO P. YEPTHO
AHM
GHS ASUTO UNDER DEO
ZUNHEBOTO
NAGALAND.

128:SMTI PONAINLA
AHM
GHS LONGSA UNDER DEO
MOKOKCHUNG
NAGALAND.

129:SMTI VITHELI
AHM
GHS KHAGHABOTO UNDER DEO
DIMAPUR
NAGALAND.

130:SHRI VIKISHE H. CHISHI
AHM
GHS LIPHANYAN UNDER DEO
WOKHA
NAGALAND.

131:SMTI RONGSENBENLA
AHM
GHS KUBOLONG UNDER DEO
MOKOKCHUNG
NAGALAND.

132:SMTI CHUBALEMLA
AHM
GHS KANGTSUNG UNDER DEO
MOKOKCHUNG
NAGALAND.

133:SHRI TONGPANGLEPSA
AHM

GHS LONGKHUM UNDER DEO
MOKOKCHUNG
NAGALAND.

134:SMTI RONGSENNUNGLA
AHM
GHS MERANGKONG UNDER DEO

MOKOKCHUNG
NAGALAND.

135:SHRI LALAN KUMAR SINGH
AHM
GHS KANGJANG UNDER DEO
PHEK
NAGALAND.

136:SHRI SCKARIA C. V
AHM
GHS POKHUNGRI UNDER DEO
PHEK
NAGALAND.

137:SHRI MANOJ KUMAR SINGH
AHM
GHS THONOKNYU UNDER SDEO
NOKLAK
NAGALAND.

138:SHRI MITHILESH PRASAD SINGH
AHM
GHS PHOLARY UNDER DEO
MELURI
NAGALAND.

139:SHRI MD SOHRAB ALI
AHM
GHS NGOUNGCHUNG UNDER DEO

TUENSANG
NAGALAND.

140:SHRI LALBAHADURUSSUK
AHM
GHS CHABA UNDER DEO
TUENSANG
NAGALAND.

141:SHRI AKHILESH KUMAR SINGH
AHM
GHS CHEN UNDER DEO
MON
NAGALAND.

142:SHRI B. BESORAMCHI CHANG
AHM
GHS HAKCHANG UNDER DEO

TUENSANG
NAGALAND.

143:SHRI HISINLO KEPPEN
AHM
GHS AMAHATOR UNDER DEO
KIPHIRE
NAGALAND.

144:SHRI BINOD KUMAR UPADHYAY
AHM
GHS ANGANGBA UNDER DEO
TUENSANG
NAGALAND.

145:SMTI MARIAMMA CHERIAN
AHM
GHS KHEZHAKHENO UNDER DEO
PHEK
NAGALAND.

146:SHRI NISHETO SWU
AHM
GHS LAZAMI UNDER DEO
PUGOBOTO
NAGALAND.

147:SMTI N. LOYIBENI KITHAN
AHM
GHS RALAN UNDER DEO
WOKHA
NAGALAND.

148:SMTI VEKETOULIE TSIRA
AHM
GHS PIPHEMA UNDER DEO
DIMAPUR
NAGALAND.

149:SMTI MOALA JAMIR
AHM
GHS SARBURA UNDER DEO
DIMAPUR
NAGALAND.

150:SHRI SANJEEV KUMAR
AHM
GHS SANGKOR UNDER DEO
SHAMATOR
NAGALAND.

151:SHRI V. KAVITO SEMA
AHM
GHS SATOI UNDER DEO
ZUNHEBOTO
NAGALAND.

152:SHRI MESETE KANUO
AHM
GHS LASOMI UNDER DEO
PHEK
NAGALAND.

153:SMTI LORENI NGULLIE
AHM
GHS WOKHA VILLAGE UNDER DEO
WOKHA
NAGALAND.

154:SHRI YARANGCHANG
AHM
GHS MOLUNGYIMSEN UNDER DEO
MOKOKCHUNG
NAGALAND.

155:SHRI KEKHRIENGULIE
AHM
GHS ZHADIMA UNDER DEO
KOHIMA
NAGALAND

Advocate for the Petitioner : A. ZHO, AHRI SONO,V KOZA,B. SOTO,C. LOSOU,W. MARHU

Advocate for the Respondent : GOVT ADV NL,

Linked Case : I.A.(Civil)/67/2025

SHRI VEDUSA AND 117 ORS
AHM
GHS BAYAVU
UNDER DEO
KOHIMA NAGALAND

VERSUS

SMTI ANUNGLA PONGENER AND 62 ORS
AHM
GHS NAHARBARI
UNDER DEO DIMAPUR
NAGALAND

Advocate for : HISINLO HIMB
Advocate for : appearing for SMTI ANUNGLA PONGENER AND 62 ORS

BEFORE

HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

Advocates

For the Petitioner	: Mr. A. Zho.
For the Respondent Nos. **3, 4, 5, 7,8, 9, 10, 12, 13, 14, 15, 17, 18, 20, 21, 22, 23, 24, 25, 27, 28, 30, 31, 34, 35 & 36**	: Mr. Limawapang.
For the Respondent Nos. **6, 11, 16, 19 & 32**	: Mr. Wati Jamir.
For the State respondents	: Mr. N. Angami.
For the Applicant	: Mr. Hisinlo Himb
Date of Hearing	: **17.06.2025**
Date of Judgment	: **22.07.2025**

JUDGMENT & ORDER (CAV)

The petitioners in the present writ petition are Assistant Headmasters (AHM), Junior Grade II in the School Education Department, Nagaland, the respondent Nos. 3 to 37 are also serving as AHM in the same Grade, in the same department.

2. It is the case of the petitioners that a Departmental Promotion Committee (DPC) was constituted by the Nagaland Public Service Commission (NPSC) on 15.05.2024. The DPC was held for consideration of regularization of the officiating promotion of both the respondents, as well as the private respondents and the DPC had recommended to regularize the services of the officiating officers in the Grade of AHM in order of preference in terms of Rule 25 of the Nagaland School Education Service Rules 2017 (herein after referred to as the Rules of 2017).

3. It is also the case of the petitioner that based on the recommendation of the DPC, the regularization Order dated 07.06.2024 was issued by the Commissioner and Secretary to the Government of Nagaland, Department of School Education Nagaland. In the said notification, the effective dates of regular promotion of the petitioners in the grade of AHM are prior in point of time to that of the private respondents. All the petitioners have been regularized to the post of AHM, Junior Grade on the same date i.e. 19.01.2023, whereas the private respondents have been regularized in the post of AHM Junior Grade on different dates and months, much later then the petitioners.

4. However, when the final Seniority list of AHM was published on 14.01.2025, the State respondents have placed the petitioners below the private respondents while fixing the seniority and thus, violated Rule 25 of the Rules of 2017. It is alleged that the seniority list dated 14.01.2025 is violative of the Service Rules of 2017 and therefore, being aggrieved, the writ petitioners have approached this Court.

5. I have heard learned counsel for the petitioner, Mr. A. Zho, Mr. Limawapang, learned counsel for the respondent Nos. 3, 4, 5, 7, 8, 9, 10, 12, 13, 14, 15, 17, 18, 20, 21, 22, 23, 24, 25, 27,28, 30, 31, 34, 35 & 36, Mr. Wati Jamir, learned counsel for the respondent Nos. 6, 11, 16, 19 and 32 and Mr. N. Angami, learned Senior Government Advocate for the State respondents. Also heard Mr. Hisinlo Himb, learned counsel for the applicant in I.A (Civil)/67/2025.

6. Learned counsel for the petitioner, Mr. A. Zho submits that there are six issues which need to be adjudicated by this Court;

1) Whether the seniority fixation under Rule 25 of the Rules of 2017 relates to promotees.

2) Whether the post of AHM is a promotional post.

3) Whether there was any select list made by the DPC.

4) Whether the DPC recommendation dated 15.05.2024 and Notification dated 07.06.2024 are under challenge

5) Whether the Service Rules of 2017 governs the seniority of promotees.

6) Whether the impugned final seniority list of 14.01.2025 is violative of Rule 25 of the 2017 Rules.

7. It is the submission of the learned counsel that in the grade of graduate teacher, which is the feeder grade for promotion to AHM, the private respondents were senior to the petitioners, but by the DPC

recommendation of 15.05.2025 and Notification dated 07.06.2024, the petitioners have been made senior in the grade of AHM. It is stated that the DPC has recommended the petitioners to be senior in order of preference as provided in Rule 25 of the Rules of 2017. Learned counsel, therefore, submits that the impugned final seniority list of AHM dated 14.01.2025 is violative of the constitutional provisions guaranteed under Part 3 of the Constitution of India and also against the principles of natural justice.

8. Learned counsel also submits that the impugned Notification dated 14.01.2025 cannot override the provisions of the Rules framed under Article 309 of the Constitution of India, as it is settled law that seniority of incumbents in service is always required to be fixed as per the provisions of the seniority prescribed under the Rules and the same cannot be diluted at the whims and fancies of the State respondents. In view of the above submissions, learned counsel for the petitioner prays for quashing and setting aside of the impugned seniority list dated 14.01.2025 and also prays for a direction to the State respondent to publish the seniority list in terms of the Service Rules 2017.

9. Learned counsel for the petitioner has relied on the following authorities in support of the submissions;

1) ***AIR 1985 SCC 781*** *H.V Pardasani -Vs- Union of India*

2) ***Civil Appeal No 822 of 2023 Supreme Court of India*** *Ashok Ram Parhad & Ors-Versus- The State of Maharashtra & Ors*

3) ***Civil appeal no 8324-8327 of 2022 Arising out of SLP(C) No. 30734-30737 of 2014*** *Amit Singh -Versus- Ravindra Nath Pandey & Ors*

4) ***Civil Appeal No. 6007/2019*** *Ganga Vishan Gujarat &Ors-Vs-*

State of Rajasthan & Ors

5)***AIR 1968 SC 1385*** *S.K. Ghosh and another -Versus- union of India and Others*

10. Mr. N. Angami, learned Senior Government Advocate appearing for the State respondent Nos. 1 and 2 has made his submission on the basis of the affidavit-in-opposition filed on behalf of the respondent Nos. 1 and 2. Learned Senior Government Advocate submits that a final seniority list in the grade of Graduate Teacher, dated 01.11.2022 in respect of both the petitioners and the private respondents was prepared in compliance of a Judgment and Order of a coordinate Bench of this Court dated 01.09.2017 in WP(C) No. 214(K)2015 and WP(C)34(K) 2016 and later upheld by the Division Bench vide order dated 12.12.2019 in Writ Appeal 16/2017 and Writ Appeal 17/2017. In the said Writ Appeals the Division Bench of this Court issued a direction to the State Government to re-arrange the seniority of graduate teachers as per the direction issued by the learned single judge. The final seniority list was accordingly prepared by the respondent department following all the rules and procedures. Initially a tentative seniority list was issued inviting claims and objection and after examination of such claims and objections the final seniority was prepared and published through a Corrigendum No. ED/NL/GT-SL/2020 dated 24.11.2022 wherein the names of 2215 (two thousands two hundred fifteen), graduate teachers were arranged as per their seniority including the petitioners and the private respondents. Ld govt counsel submits that the petitioners have accepted this final seniority list of 24.11.2022 and their officiating promotion to the post of AHM was issued basing on the said seniority list of 2022.

11. Learned Government Counsel, submits that the petitioners as well as the private respondents were all given officiating promotion to the post of AHM/JEO Junior Grade II by various notifications on different dates being 18.01.2023, 21.03.2023, 05.04.2023, 31.05.2023, 28.08.2023 and 13.09.2023. Though the private respondents were given officiating promotion to the post of AHM/JEO Junior Grade II after the petitioners were given the officiating promotion, however, the respondent department has by a Notification clarified that the officiating promotion shall not confer any right for claim of seniority. In the undisputed final seniority list of 2022 the private respondents are placed senior to the petitioners. It is also submitted that the DPC on 15.05.2025 was held purely for regularizing the officiating promotion of the AHMs as per the conditions prescribed in the notifications and it was not meant to alter or rearrange the seniority position which is the final seniority list of 2022. It is also mentioned that as far as the seniority of the AHMs are concerned, the Government of Nagaland, School Education Department has settled the issue of seniority through the Notification No. DSE/ESTT-PROM/E&S/1-15/2022 dated 02.05.2024 by specifically stating that the officiating promotion shall not confer any right for claim of seniority other than as notified in the undisputed seniority list of 2022. Therefore, the petitioners have not acquired any right to claim seniority merely from the effective date of regularization in the grade of AHM as the seniority position of the petitioners and the private respondents is already settled.

12. Learned Government Counsel submits that the impugned

Notification dated 14.01.2025 was published basing on the undisputed final seniority list of 2022 and in pursuance of the advice given by the P&AR Department vide U.O No. 670 dated 03.09.2024. Learned counsel submits that Rule 13 of the Rules of 2017 provides for Constitution of the DPC and Rules 13(v) provides that whenever a junior candidate is recommended for promotion in preference to a senior one, the Committee shall record in writing the reasons for doing so. Rule 13(vi) empowers the DPC to recommend whether the officiating promotion is to be regularized or whether the officer officiating shall be reverted back. In the present case the DPC has not recorded any reason nor has the DPC reverted anyone from the officiating promotion and as such unless any of the private respondents are declared to be unfit by the DPC, no legal right has accrued to the petitioners, who are junior to the private respondents in the seniority list of 2022, to supersede them. Rule 25(iv) provides that supersession of one officer by another having the effect on the inter-se seniority of the affected officers can take place only with specific recommendation of the DPC which shall also mention the reason for recommending such supersession. The DPC has not made any such specific recommendation superseding the seniors by the juniors. The 2017 Rules has no provision for the date of regularization of an officiating promotion to be the date for counting seniority by over riding the undisputed seniority in the feeder grade because of the fact that the DPC was convened only for regularization of an officiating promotion and it was not constituted to unsettle a settled seniority position.

13. Learned Government counsel further submits that the representation dated 12.02.2025 filed by the petitioners seeking for rectification of final seniority list of AHM was examined and it was duly disposed of by the State respondents vide letter No. DSE/SL/2-60/2021(Pt)/822 dated 11.03.2025 informing the petitioners about the opinion of the P&AR Department, Government of Nagaland. The impugned Notification dated 17.01.2025 is issued basing on the undisputed seniority of the AHM in the feeder grade irrespective of the date of officiating promotion. A settled seniority cannot be changed at every promotion as the select list is prepared taking the officials in the zone of consideration which is enforced and therefore the date of regularization of an officiating promotion cannot be misconceived as to be the date of seniority. It is therefore, submitted that the State respondents have not violated any of the provisions of the Rules of 2017.

14. Learned Government Counsel has further submitted that the Notification dated 02.05.2024 has made it abundantly clear that the different dates of officiating promotion shall not confer any right for claim of seniority other then as notified in the undisputed seniority list of 2022. It is also submitted that the petitioners have not challenged the Notification dated 02.05.2024 and therefore, the Notification has attained its finality and due to which the seniority positions of the petitioners and the private respondents are to be determined as per the seniority list of 2022. The seniority list of AHM as on 18.12.2024 which was notified by the Notification dated 14.01.2025 is prepared as per the seniority list of 2022 which was prepared pursuant to the

direction of this Court, and as such the petitioners have not made out a case to invoke the jurisdiction of this Court under Article 226 of the Constitution of India.

15. Learned counsel appearing on behalf of the respondent Nos. 3, 4, 5, 7, 8, 9, 10, 12, 13, 14, 15, 17, 18, 20, 21, 22, 23, 24, 25, 27, 28, 30, 31, 34, 35 and 36 has also adopted the submissions of the learned Senior Government Advocate and further submits that the petitioners are claiming seniority on the basis of DPC recommendation dated 15.05.2024 and Notification dated 07.06.2024 which has regularized their officiating promotion in the cadre of AHM with effective dates prior to the private respondents. Learned counsel submits that in the minutes of the DPC dated 15.05.2024, the DPC has made a remarks in the "Note" column that in view of the Notification No. DSE/ESTT/PROM/E&S/1-15/2022 dated 02.05.2024 the DPC decided to regularize the officiating promotion of AHM as per their date of joining. According to this 'Note' the decision making process of the DPC to regularize the officiating promotion of AHM was based on their date of joining in view of Notification dated 02.05.2024. However, a perusal of the notification dated 02.05.2024 would show that the Notification has clearly stated that the officiating promotion shall not confer any right for claim of seniority other than as notified in the seniority list of 2022. Therefore, the procedure adopted by the DPC is contrary to the basis of its decision and therefore, the DPC recommendation dated 15.05.2024 is erroneous and cannot stand the test of law. The private respondent Nos. 8, 14, 31, 34 and 36 had submitted a representation dated 07.04.2025 to the Chairman Nagaland Public Service

Commission stating that the recommendation of the DPC dated 15.05.2024 is erroneous and hence, had requested the DPC to revoke/rectify its recommendation dated 15.05.2024 and the said representation is still pending for disposal.

16. The respondents submit that the present petitioner's entire case is based on Rules 25 (ii) of the Rules of 2017. According to the learned counsel Rule 25 (ii) is a general provision governing the manner of promotion for all cadres of posts under the 2017 Rules. Under Schedule II of the 2017 Rules the post of AHM is to be filled 20% by Departmental Examination and 80% by Promotion on the recommendation of the Committee, selection to be made from among the confirmed Senior Graduate Teacher/ Senior Legal Assistant who has completed at least seven years of service in the said feeder grade. Therefore, to qualify for consideration under Rule 25(ii) the eligibility and other conditions for promotion as prescribed under Schedule II is required to be fulfilled. The DPC in its sitting on 15.05.2024 ignored the provisions prescribed under Schedule II of the 2017 Rules and forwarded the recommendation dated 15.05.2024 by adopting a procedure which is contrary to the conditions stipulated in the Notification dated 02.05.2024.

17. Learned counsel also submits that the final seniority list of graduate teachers of elementary and secondary cadre under the School Education Department was notified by the notification of 27.09.2022 in compliance with the Judgment and Order dated 12.12.2019 passed by the division bench of this Court in Writ Appeal 16(K) and 17(K) 2017. The said final seniority list was holding the field

on the date when the DPC held its sitting on 15.05.2024. In the final seniority list of 2022 the writ petitioners are placed below the private respondents.

18. It is further submitted by the respondents that regarding the fixation of inter-se seniority of graduate teachers in the grade of AHM, the School Education Department sought clearance and advice from the P&AR Department, Government of Nagaland. Accordingly, the P&AR Department vide U.O No. 670 dated 03.09.2024 had advised the department to maintain the seniority of AHM as per the undisputed seniority list of graduate teachers of 2022 in terms of the provisions prescribed under Schedule II of the Rules of 2017. Thereafter, the impugned Notification dated 14.01.2025 was notified. It is therefore submitted that the DPC recommendation is only recommendatory in nature which the State Government may accept or decline and the DPC recommendation dated 15.05.2024 does not confer any rights on the petitioners. Therefore no illegality has been committed by the State respondents in issuing the Notification dated 14.01.2025. The contentions of the writ petitioners that the seniority of the incumbents in the cadre is required to be fixed as per the provisions of seniority prescribed under the 2017 Rules is not applicable in the present case as the basis of their contention is based on an erroneous recommendation. The impugned Notification dated 14.01.2025 was issued as per the provisions prescribed under Schedule II of the Rules of 2017.

19. Learned counsel appearing for the respondent Nos. 6, 11, 16, 19 and 32 has made similar submissions on the same premise as that of

the State respondents and the other private respondents. It is submitted that there is no dispute at all that the respondents are much senior to the petitioners and the seniority list of 2022 for graduate teachers has attained finality.

20. The petitioners and the respondents 6, 11, 16, 19 and 32 being eligible were given officiating promotion to the post of AHM by common order vide Notification No. DSE/ESTT-PROM/E&S/1-15/2022/786 dated 18.01.2023. In the said notification the names of the respondents 6, 11, 16, 19 and 32 are placed above the petitioners. The present respondents are posted at different Government High Schools in different district/sub divisions in the State of Nagaland and as such they received the promotion order only on 19.01.2023. Accordingly, they have taken over the charge to the promoted post of AHM on 20.01.2023.

21. Learned counsel also submits that the only challenge made in the writ petition is to the impugned final seniority list of AHM issued vide notification dated 14.01.2025 on the ground that the petitioners are senior to the private respondents in terms of the effective date of regularization in the post of AHM. The petitioners have not enclosed copy of the DPC minutes of 15.05.2024 and also the Notification dated 02.05.2024, on the basis of which the DPC had regularized the officiating promotions, in the writ petition. The DPC Minutes show that the DPC had prepared the list of regularized AHM and fixed their seniority in terms of the Notification dated 02.05.2024. This Notification of 02.05.2024 which is a vital document for proper adjudication of the present case is not enclosed in the present writ

petition. This amount to suppression of facts and petitioners are approaching this Court without clean hands. The writ petition is therefore liable to be dismissed on this ground alone. It is the submission of the learned counsel that the DPC was constituted by the NPSC purely for regularization of the officiating promotion and not for rearrangement of the seniority. In fact there is no dispute with regard to the inter-se seniority between the petitioners and the private respondents which is settled by the seniority list of 2022. Learned counsel also submits that the DPC recommendation has been made in order of preference and the list prepared has been made in terms of the Notification dated 02.05.2024 which states that the officiating promotion shall not confer any right for claim of seniority other than as notified in the undisputed seniority list of 2022. The effective date of regularization of officiating promotion by the DPC and the Notification dated 07.06.2024 cannot be misconceived as the date of counting seniority.

22. Learned counsel submits that there is no provision under the 2017 Rules that allows the effective date of regularization of officiating promotion to be counted for determination of inter-se seniority. Learned counsel further submits that at present there are more than 176 Headmaster posts lying vacant in the State which are to be filled up by promotion from among the AHMs. In connection with this the P&AR Department vide U.O No. 1476 dated 13.03.2025 has already given its clearance for promotion of 176 AHMs to the post of Headmaster. The respondents 6, 11, 16, 19 and 32 who are senior to the writ petitioners are also reflected in the list cleared by the P&AR

department for promotion. When the matter was thus situated, the petitioners who are not in the zone for promotion have filed the instant writ petition and obtained the interim order dated 10.03.2025. In view of the interim order passed by this Court, the post of Headmasters in 176 Government High School across the State has not been filled up till date. At the time of issuing the interim order, the Department of P&AR had already conveyed its clearance for promotion of the private respondents. However, the same was not brought to the notice of this Court by the petitioners. The petitioners have therefore, obtained the interim order dated 10.03.2025 by misinterpreting the Rules pertaining to determination of seniority and by suppressing the material facts. In view of the submissions made herein above, learned counsel submits that the writ petitioner has misinterpreted the provision of Rule 25(ii) of the 2017 Rules and therefore, the writ petition is misconceived and liable to be dismissed.

23. Learned counsel for the respondent6, 11, 16, 19 and 32 has relied on the following authorities in support of his contentions;

i) *(2010) 1 SCC 417 AMARJEET SINGH AND OTHERS VERSUS DEVI RATAN AND OTHERS*

ii) *(2010) 14 SCC 38 RAMJAS FOUNDATION AND ANOTHER VERSUS UNION OF INDIA AND OTHERS*

iii) *(2008) 12 SCC 481 K.D. SHARMA VERSUS STEEL AUTHORITY OF INDIA LIMITED AND OTHERS*

24. The submissions made by the learned counsels for the parties have been duly considered by the court. The pleadings as well as the authorities placed by the parties have been perused.

25. It is an admitted fact that the service conditions of the petitioners and the private respondents are governed by the Nagaland School

Education Service Rules 2017 (herein after referred to as the 2017 Rules). The relevant provisions of the 2017 Rules are reproduced here below:-

13. Departmental Promotion Committee

I) All recruitment through promotion from a lower grade to a higher grade of the service under Rule 6 (i) (c) for gazetted posts shall be done through Departmental Promotion Committee consisting of the following members:-

Sl. No.	Person	Function
1.	Chairman of the Commission	Chairman
2.	One member of the Commission to be nominated by the Chairman	Member
3.	Chief Secretary or a senior Secretary appointed by the Chief Secretary	Member
4.	Secretary of Department of P&AR	Member
5.	Secretary in Charge of Department of School Education.	Member
6.	Director of School Education	Member Secretary

ii) All recruitment through promotion from a lower grade to a higher grade of the service under Rule 6 (i) (c) for non-gazetted posts shall be done through a Departmental Promotion Committee consisting of t he following members:-

Sl.No	Person	Function
1	Head of the Department	Chairman
2	Representative of Department of P&AR not below the rank of Under Secretary	Member
3	Representative of Secretary in Charge of Department of School Education not below the rank of Under Secretary	Member
4	An Officer to be nominated by the Director of School Education	Member Secretary

iii) Along with the list. the Department shall prepare and send the following papers/documents to the Chairman and members of the DPC :-

a) A statement showing the number of vacancies to be filled up by promotion during the recruitment year;

b) A list of eligible officers/officials to be considered for promotion/placement along with the latest seniority list. The list shall contain at least three times the number of vacancies in the case of the posts of Principal to be filled up;

c) The Annual Performance Assessment Report (APAR) in respect of all the officers/officials in the list;

d) The representations of the individual officers/officials, if any, against adverse entries in the Annual Performance Assessment Report (APAR) along with the comments of the Reviewing Officer and the Accepting Authority:

e) Integrity Certificate together with Vigilance Clearance;

f) Regularization Order in the present post, in the event the official was promoted on officiating basis; and

g) Order of confirmation in service.

iv) On receipt of the documents specified in sub-rule (iii) by the Committee, and after such clarifications as may be required, the Committee shall meet and prepare. based on the principle of merit-cum-seniority, a 'Select List of officers in order of preference equal to the number of the vacancies or anticipated vacancies to be filled by promotion during the recruitment year.

v) Whenever a junior candidate is recommended for promotion in

preference to a senior one, the Committee shall record in writing the reasons for doing so.

vi) *In the event of a vacancy meant for promotion having been filled up on officiating basis by the appointing authority before the sitting of t he DPC, the Committee shall decide and recommend whether t he officiating promotion is to be regularized or whether the officer so officiating shall be reverted, indicating, the date from which such officiating promotion may be regularized or reverted. The DPC shall indicate its recommendations for filling up that post.*

vii) *In the cases of officers, included in the list for consideration by the DPC, against whom disciplinary proceedings are pending, contemplated or a punishment order is in force, and in the case of officers whose representations against the adverse entries in the Annual Performance Assessment Report (APAR) are pending, the sealed cover procedure as followed in respect of Central Govt. officers shall be followed.*

Viii) *Director shall not, however, be a member of the Committee for the purpose of preparation of the select list for recruitment to the post of Director, in which event: the Secretary of the Department of School Education shall become the Member Secretary.*

Rule 25. Seniority

I) *Seniority of members of the service recruited under Rule 6 (i) (a) shall be fixed in accordance with the merit list prepared by the Commission/Board: Provided that if a person does not join service within one month from the date of issue of the offer of appointment or within the period specified or within the period of extended joining time allowed, he shall rank below those who joined before him.*

ii) *The seniority of promotees shall be determined in the order of preference or select list prepared by the Committee.*

iii) *If the promotion of a member of the service is delayed on account of his failure to qualify all the conditions, he shall lose his benefit in the order of seniority vis-a-vis such of his juniors who may be qualified earlier than him.*

iv) *Supersession of one officer by another having the effect on the inter-se-seniority of the affected officers can take place only with the specific recommendation of the DPC which shall also mention the reason for recommending such supersession.*

26. The petitioner as well as the private respondents are all in the grade of Assistant Headmaster (AHM) and the feeder post for promotion to the post of AHM is Graduate Teacher. The post of AHM is to be filled up 80% by promotion and 20% by Departmental examination as per the 2017 Rules. The petitioners as well as the private respondents were all promoted on officiating basis to the post of AHM in the 80% quota for promotees by various orders issued on different dates ranging from 18.01.2023 to 13.09.2023.In the feeder grade of Graduate Teacher, the inter-se seniority of the petitioners and the private respondents has already been settled by the final seniority list of graduate teachers as on 01.11.2022 notified by the Corrigendum No. ED/NL/GT-SL/2020 dated 24.11.2022. It is observed that this final seniority list of 24.11.2022 has been issued by the State respondents in compliance with a Judgment and Order of the Division Bench of this Court dated 12.12.2019 passed in Writ Appeal 16/2017 and Writ Appeal 17/2017. The petitioners, as well as the private respondents, herein were parties in the aforementioned Writ Appeals. It is also a fact that the petitioners as well as the private respondents were all given officiating promotion to the post of AHM by different Notifications dated 18.01.2023, 21.03.2023, 05.04.2023, 31.05.2023, 28.08.2023 and 13.09.2023.

27. This Court has also taken note of the Notification No. DSE/ESTT-PROM/E&S/1-15/2022 dated 02.05.2024 wherein it is stated:-

GOVERNMENT OF NAGALAND
SCHOOL EDUCATION DEPARTMENT
NOTIFICATION

Dated Kohima the, 02th May, 2024

No.DSE/ESTT-PROM/E&S/1-15/2022::In continuation to this Department's Notification No.DSE/ESTT-PROM/E&S/1-15/2022 dated 18-1-2023 anddated 21-3-2023 and Notification No. DSE/ESTT-PROM/E&S/1-15/2022(Pt-I) dated 31-5-2023 and 28-8-2023 and Notification No. DSE/ESTT-PROM/E&S/1-15/2022(Pt) dated 13-9-2023, the grant of officiating promotion in respect of the Graduate Teachers to that of Assistant Headmaster (AHM), will be subject to the following condition-

i. The officiating promotion shall not confer any right for claim of seniority other than as notified in the undisputed seniority list of 2022.

Sd/- KEVILENO ANGAMI
Commissioner & Secretary
to the Government of Nagaland

28. This Notification of 02.05.2024, clearly states that the officiating promotionsof the petitioners and the private respondents shall not confer any right for claims of seniority other than as notified in the undisputed seniority list of 2022. This Notification of 02.05.2024 was issued before the DPC was convened on 15.05.2024. The petitioners have not brought this document on record nor have they challenged the same. The petitioners have not produced the DPC minutes of 15.05.2024 either. The private respondents have annexed copy of the DPC minutes of 15.05.2024 in their affidavit in opposition. In the DPC minutes, there is a 'Note' wherein, it is stated that in view of the Notification No. DSE/ESTT-PROM/E&S/1-15/2022 dated 02.05.2024 the DPC had decided to regularize the officiating promotion of Assistant Headmaster as per their date of joining. However, a bare perusal of the Notification dated 02.05.2024 would reveal that the grant of officiating promotion to the petitioners and the private respondents is made subject to the conditions that the officiating promotion shall not confer any right for claim of seniority other than as notified in the seniority list

of 2022.

29. This Court has the power to examine the legality and validity of the DPC Minutes even if they are produced by the respondents. The Court's primary duty is to ensure justice and uphold the rule of law which includes scrutinizing the DPC Minutes for any illegality or irregularity in the decision making process.

30. The procedure for fixing of seniority is provided in Rule 25 of the 2017 Rules. A conjoint reading of clause (i), (ii), (iii) and (iv) of Rule 25 would show that the supersession of one officer by another having the effect on the inter-se seniority of the affected officers can take place only with the specific recommendation of the DPC which shall also mention the reason for recommending suchsupersession. Rule 13 (v) which deals with the Departmental Promotion Committee also has a similar provision at clause (v) wherein, it is provided that whenever a junior candidate is recommended for promotion in preference to a senior one, the Committee shall record in writing the reasons for doing so.

31. On going through the Notification dated 07.06.2024, and the DPC Minutes of 15.05.2024, on the basis of which the petitioners are claiming seniority, this Court is unable to see any reasons which the DPC has given to justify supersession of the senior by the junior. In fact it is obvious that the DPC was only held to regularize the officiating promotion of the petitioners and the private respondents and not for fixation of seniority nor has the DPC on 15.05.2024 prepared any select list for promotion.

32. Even assuming, but not admitting that the list given by the DPC

or the Notification dated 07.06.2024 is a select list for promotion under Rule 25 (ii); the Notification dated 07.06.2024 and the DPC Minutes are bad in law inasmuchas no reasons have been mentioned for recommending effective regularization dates which have an effect on the inter-se seniority of the petitioners and the private respondents. When the Service Rules provide for recording of reasons by the DPC, the entire process of the DPC would be vitiated by non-recording of reasons.

33. In the case of ***Babu Verghese & ors Vrs Bar Council of Kerala & ors***, reported in ***1999 (3) SCC 422,*** the Supreme Court held:

> "*It is the basic principle of law long settled that if the manner of doing a particular act is prescribed under any Statute, the act must be done in that manner or not at all. The origin of this rule is traceable to the decision in Taylor vs. Taylor (1875) 1 Ch.D 426 which was followed by Lord Roche in Nazir Ahmad vs. King Emperor 63 Indian Appeals 372 = AIR 1936 PC 253 who stated as under:*
>
> *"Where a power is given to do a certain thing in a certain way, the thing must be done in that way or not at all."*
>
> *This rule has since been approved by this Court in Rao Shiv Bahadur Singh &Anr. vs. State of Vindhya Pradesh 1954 SCR 1098 = AIR 1954 SC 322 and again in Deep Chand vs. State of Rajasthan 1962(1) SCR 662 = AIR 1961 SC 1527. These cases were considered by a Three-Judge Bench of this Court in State of Uttar Pradesh vs. Singhara Singh &Ors. AIR 1964 SC 358 = (1964) 1 SCWR 57 and the rule laid down in Nazir Ahmad's case (supra) was again upheld. This rule has since been applied to the exercise of jurisdiction by courts and has also been recognised as a salutary principle of administrative law".*

34. In ***1973 (2) SCC 836, Union of India –Vs- Mohan Lal***

Capoor & Ors,the Supreme Court held that, "*it is incumbent upon the Selection Committee to state reasons in a manner which discloses how the records of one officer superseded stood in relation to records of another who was preferred. This is a visible safeguard against possible injustice and arbitrary selection. Reasons are the links between the materials on which certain conclusions are based and the actual conclusions. They disclose how the mind is applied to the subject matter for decision. They should reveal facts considered and conclusions reached. Only in this way the opinions and decisions recorded can be manifestly just. It is not enough to say that preference should be given because a certain process was gone through".*

35. The ***Mohan Lal Capoor case supra*** was passed by a two judge bench of the Hon'ble Supreme Court. The ratio laid down in this case was quoted and followed in ***1981 (4) SCC 102, Uma Charan Vrs State of M.P & anr.***

36. Pressing into service the principles of law laid down by the Supreme Court, this Court is of the view that Rule 13 (v) and Rules 25 (iv) of the 2017 Rules mandates the DPC to mention the reason for recommending supersession. When the Rules prescribe the manner of doing a particular act, the act must be done in that manner or not at all. When the DPC was convened on 15.05.2024 the private respondents were obviously senior to the petitioners but the DPC did not assign any reasons for giving an earlier date of regularization of officiating promotion in AHM to the petitioners who were junior to the private respondents. The DPC recommendations therefore stands vitiated and is non est in law. The regularization Order dated 07.06.2024 being a consequential order of the DPC dated 15.05.2024 is also vitiated. Be that as it may, the Hon'ble Supreme Court in ***Union of India Vrs N.P Dhamania, AIR 1995 SC 568,*** held that the recommendations of the DPC are advisory in nature and not binding on

the authority.

37. In the case of ***AMARJEET SINGH AND ORS (Supra);*** the Hon'ble Supreme Court has held that the consequential orders cannot be challenged without challenging the basic order. In this case also the impugned seniority list dated 14.01.2025 is based on the Notification of 02.05.2024 but the Notification of 02.05.2024 is not assailed by the petitioner. Another pertinent matter is that the DPC Minutes of 15.05.2024 and the Notification dated 02.05.2024 are crucial for assessing the merits of this case but the petitioner has not enclosed these documents in the present writ petition. These amounts to suppression of facts and shows that petitioners are not approaching this Court with clean hands.

38. In view of the discussion made herein above, this Court cannot lend legitimacy to the DPC proceedings and the consequential regularization order dated 07.06.2024 which suffers from fundamental procedural illegality. The petitioner has also suppressed material facts and such conduct has been depreciated by the Hon'ble Supreme Court in a catena of cases. The petitioner having relied on a DPC proceeding where the decision making process is against the Service Rules and having approached the Court without clean hands is not entitled to relief under Article 226 of the Constitution. The petition is accordingly dismissed.

39. The State respondents are directed to convene a fresh DPC strictly in terms of the Rules to fix the date of regularization of officiating promotion of the petitioners and private respondents in the grade of Assistant Headmasters (AHM), Junior Grade II, and thereafter

issue necessary Orders within a period of 3(three) months from the date of this Order.

40. No Orders as to cost.

The interim order passed on 10.03.2025 is vacated.

In view of the dismissal of this petition, I.A (Civil)67/2025 also stands disposed of.

JUDGE

Comparing Assistant