GAHC020003502024

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

WP(C)122/2024

1. Smti. Rhenon Konyak
Aged About 28 Years,
Daughter of Shri Khatwang Konyak,
Resident of Thamnan Ward,
Mon Town, Mon-798621, Nagaland

2. Smti. Yongsenthemia Y
Daughter ofShri P. Yoba
R/O Hogh School-A Colony Tuensang
Town Tuensang- Nagaland

3. Smti. Marina Yanthan
D/O Shri PhyophithungYanthan
R/O Seitheke Basa 4thMile Wokha Nagaland

4. Smti. Tiamenla Jamir
D/O Imnasangba
R/O Aongza Ward Mokokchung Town
Mokokchung Nagaland

5. Smti. L. Longkoi Khiamniungan
D/O Shri Longoi Khiamniungan
R/O Medical Ward Noklak-798626
Nagaland

6. Smti. Chumoi M Phom
D/O Shri Manpong Phom
R/O Muli Ward Longleng
Town-798625 Nagaland

7. SmtiTalizenla Jamir
D/O Shri Imnasangba

R/O Marepkong Ward
Mokokchung Town
Mokokchung-798601

8. SmtiSenbtinaro
D/O YongkhongCchoba
R/O Hakushang Ward Tuensang Town
Tuwnsang-798612

9. SmtiHuvevoluVenuh
D/O Shri ZachiveVenuh
R/O Phek Village 797108

10. Smti M Lihnon
D/O Manpoh
R/O Chingai Ward
Mon Town-998621

11. Smti. T. Tamhao Khiamniungan
D/O Shri Taimang
R/O Pangja Village Noklak-798626

12. SmtiManshen M
D/O Shri Manpang
R/O Muli Ward Longleng Town
Longleng-798625

13. SmtiLongthong K
D/O Shri Khumong
R/O Medical Ward
Noklak-798626

14. Smti T. Sentitola Chang
D/O Late Shri Topongngaku
R/O Orangkong Village
Tuensang-798612

15. Smti. Kohai Konyak
D/O Lemnyei Konyak
R/O Chingai Ward
Mon Town- Mon -798621

16. Smti M. Toimei
D/O Shri Mankai Konyak
R/O Walo Ward
Mon Town-798621

17. Smti. Wemhekhou Akami
D/O Khawelo Akami
R/O Losami Village-797108
Nagalan

.....Petitioners

-Versus-

1. The State of Nagaland, Kohima
Through The Chief Secretary to the
Government of Nagaland, Nagaland, Kohima

2. The Secretary NSSB Nagaland Kohima

3. The Controller of Examination NSSB Nagaland
Kohima

4. The Unemployed ANM Association
Through its President Smti. SakonoYhoshu
C/O The Controller of Exam NSSB Nagaland
Kohima

5. The Commissioner and Secretary Health and
Family Welfare Dept. Nagaland Kohima

6. The Principal Director Health and Family
Welfare Department Nagaland Kohima

7. Smti. K. Kedolhouno Dolie
D/O Kevileme Dolie
R/O Naga Hospital Colony Kohima

8. SmtiTemjennaroOzukum
D/O Chubameren
R/O Sungkomen Ward Mokokchung

9. Smti. K. Kebuchemden
D/O T. Kushem Ao
R/O Purana Bazaar (ISBT) Dimapur

10. Smti. T. Lamya
D/O Taiwang Konyak
R/O Zaklom Ward Mon Town

11. Smti. Shenelu
D/O Yevechuyi Tunenu
R/O Naga Hospital Colony Kohima

12. Smti. Zulhiwe-U T. Lohe

D/O Welhinyi T Lohe
R/O Enhulumi Village

13. Smti. Ngupnyu
D/O Henyie
R/O Meluri Town

14. SmtiBokaliYeptho
D/O Kavito Yeptho
R/O Seikhazou D Khel Kohima

15. Smti. Chozila T. Sangtam
D/O K. ThsipiseSangtam
R/O Kipongya Ward Kiphire Town

16. Smti. Ketseilhounuo Lese
D/O Seluo Lese
R/O Dzulhami Village

17. Smti. Khechusa Pojar
D/O Tivisie Pojar
R/O Khumiasu Village

18. Smti. Tsisela A
D/O H. Alongse
R/O Medical Ward Kiphire Town

19. Smti. LonenuKhusoh
D/O KhatsaoyiKhusoh
R/O Chozuba Village

20. Smti. Tingbayile
D/O Peuka
R/O Dimapur

21. Smti. T. Tangneu
D/O Topong
R/O Naga United Village Chumukedima

22. Smti. Rekheanshe V. Tikhir
D/O Vinthong R.P. Tikhir
R/O Hill View Colony DC Court Dimapur

23. Smti. ThejangunuoChucha
D/O Helie Chucha
R/O Sechu Zubza Kohima Nagaland

24. Smti. Menuosenuo
D/O Lt. NeivikuolieTseikha

R/O New Secretariat Road L. Khel Kohima Village Kohgima

25. Smti. Jurho
D/O Tsuthosie
R/O Meluri Town Phek District

26. Smti. Y. KhumjilaYimchunger
D/O M Yiunhamong
R/O 3rdNap Tuensang

27. Smti. AkoklaSangtam
D/O ThringmongSangtam
R/O Home Guard Section Tuensang

28. Smti. Hotoli X Achumi
D/O Lt. XewoloAchumi
R/O DC Hill (West) Zunheboto

29. Smti. W Aying Konyak
D/O Wannyei Konyak
R/O Shamnyu Ward Mon

30. Smti. Kuvethilu
D/O Razuvoyi
R/O Pfusero Town PhekDist

31. Smti. Sashimenla
D/O Maongtoshi Ozukum
R/O Sungkomen Ward Mokokchung

32. SmtiAtoholi
D/O K Shikai Sema
R/O Sitimi Town Kiphire

33. Smti. Longshibeni T. Humtsoe
D/O ThunglsomoHumtsoe
R/O Wokha Town

34. Smti. Antikumla Chang
D/O Sangkam Chang
R/O St John A Tuensang

35. Smti. DzuvisenoZashumo
D/O Lt. ThevoneiZashumo
R/O New Reserve Kohima

36. Smti. Nimangnoksen
D/O N Among Chang

R/O Tuensang Town

37. Smti. Nukulu
D/O Sasa Lohe
R/O Chozuba Town

38. Smti Ruth Ezung
D/O C. Libenthung Lotha
R/O Ungma Village Mokokchung

39. Smti. Pursenla
D/O Talimeren
R/O Ungma Village Mokokchung

40. Smti. Vanbeni E. Enny
D/O Lt Eliothung Enny
R/O PWD Colony Wokha Town

41. Smti. Ngangshimongla
D/O Tsukmatoshi
R/O Ungma Village Mokokchung

42. Smti. Yimmerenla
D/O Nungshiyanger
R/O Kumlong Ward Mokokchung

43. Smti. Vekhosalu
D/O Yosanyi
R/O Thurutsuswu Village Phek

44. Smti. Achunuo
D/O Vilazole
R/O Ziezou Village Kohima

45. Smti. Aolila
D/O N. Yanger
R/O Kumlong Ward Mokokchung

46. Smti. B. Liheng Phom
D/O N. Bongshong Phom
R/O Longleng Town

47. Smti. Tonglam
D/O Paiyu
R/O Noklak Town

48. Smti. LidenoTsanglao
D/O Z. ThungdemoTsanglao
R/O Duncan Dimapur

49. Smti. SungmoCheden Chang
D/O Napem Chang
R/O Tuensang Town

50. Smti. Kiheile
D/O Haisuilung
R.O Tizit Mon

51. Smti. SwedevinuZhotso
D/O YopiZhotso
R/O Dimapur

52. Smti. Pilu
D/O Ritatu
R/O Burma Camp Dimapu

53. Smti. Lichula T. Sangtam
D/O TsathrongiSangtam
R/O BadumpukuriDimapu

54. Smti. S. ChemdenCheshemla
D./O Soyen
R/O Yangpi Village Tuensang

55. Smti. Niamkoi
D/O Lt. Longkhoi
R/O Noklak

56. Smti. Niamkoi P
D/O Petse Khiamniungan
R/O Old Medical B Tuensang

57. Smti. VelasaluNakhro
D/O ZachitaNakhro
R/O Lower Bayavu Hill Kohima

58. Smti. Ngahhoilam Guite
D/O Paokhothang Guite
R/O Burma Camp Dimapur

59. Smti. Katoni Kiho
D/O Vixepu Kiho
R/O Eden Medical Centre Dimapur

60. Smti. LiholiChishi
D/O Kitoho
R/O South Point East Colony Zunheboto

61. Smti. NuvoluRinga

D/O Vep
R/O Jail Colony Kohima

62. Smti. Alem Konyak
D/O Khongyat Konyak
R/O Shantham Ward Mon

63. Smti. Alice H. Assumi
D/O HenitoAssumi
R/O Thilixu Village Dimapur

64. Smti S. SurolilaSangtam
D/O SelichemSangtam
R/O High School B Tuensang

65. Smti. Thechano M. Yanthan
D/O MerithungYanthan
R/O Duncan Bosti Dimapur

66. Smti. YoungfulaYimchunger
D/O Khangba Yim
R/O Bazar A Tuensang Town

67. Smti. Bendangienla Jamir
D/O Lt. Imtinokdang Jamir
R/O Aoyimkum Village Dimapur

68. Smti. SungjembenlaLongkumer
D/O Lt. ChubakangbaLongkumer
R/O Sungratsu Village Mokokchun

69. Smti. AtsalaSangtam
D/O SepileSangtam
R/O Penli Ward Mokokchung

70. Smti. Thejaseno
D/O PelhoutuoNgusanyu
R/O Phesama Village Kohim

71. Smti. ViseyienoZutso
D/O Lt. VipatsoZutso
R/O Kigwewma Village Kohima

72. Smti. Huvotsolu Lohe
D/O Leakhaba Lohe
R/O Kigwema Village Kohima

73. Smti. Julem Konyak
D/O Wintak M. Konyak

R/O Zaklom Ward Mo

<u>.....Respondents</u>

For Petitioners	:	Mr. Sentiyanger, Advocate
For Respondents	:	Mr. Moa Imchen, Senior Government Advocate (R. Nos. 2 and 3) Ms. A. Ayemi, Government Advocate (R. Nos. 1, 5 and 6) Mr. A. Pongener, Advocate (R. No. 4) Mr. T. B. Jamir, Advocate (R. Nos. 7 to 73)
Date of Judgment	:	**14.08.2025**
Date of Judgment	:	**19.08.2025**

BEFORE
HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA
JUDGMENT

(MRIDUL KUMAR KALITA, J)

1. Heard Mr. Sentiyanger, the learned counsel for the petitioners. Also heard Ms. A. Ayemi, the learned Government Advocate for the respondents Nos. 1, 5 and 6; Mr. Moa Imchen, the learned Senior Government Advocate for the respondents Nos. 2 and 3; Mr. A. Pongener, the learned counsel for the respondent No. 4 and Mr. T. B. Jamir, the learned counsel for the respondents Nos. 7 to 73.

2. This writ petition under Article 226 of the Constitution of India has been filed by the petitioner, namely, Smt. Rhenon Konyak K. and 16 others, *inter-alia,* impugning the Corrigendum No. NSSB/EXAM-

4/14/2023 dated 23.05.2024 as well as the Notification No. NSSB/EXAM-4/CTS-1/18/2023 dated 20.06.2024 by which the names of 68 candidates were inserted in the list modified by the aforesaid corrigendum were called for viva-voce on 01.07.2024.

3. The factsrelevant for consideration of the instant writ petition, in brief, are thatthe petitioners, who are bonafide citizens of India, had applied for appointment to the 61 posts of Auxiliary Nurse and Mid Wife (ANM) and Female Health Worker (FHW) under the Health and Family Welfare Department, Government of Nagaland, in pursuant to the advertisement for the same, issued by the Nagaland Staff Selection Board (hereinafter referred to as "NSSB") bearing Advertisement No. NSSB/EXAM-4/CTS/1/18 dated 15.12.2023.

4. By the aforesaid advertisement, applications were invited from indigenous inhabitants of Nagaland to fill up the aforementioned 61 posts through Combined Educational and Technical Service Examination 2023 (CETSE-2023). As per the said advertisement, the educational qualification for applying to the post of ANM/FHW was as follows:

Item	**Name of the post**	**Department**	**Code of post**	**Reservation for PwBDs/ Backward tribe**
Item No. 4	ANM/FHW	Health and Family Welfare	140	2 years course in ANM

5. All the petitioners having been successfully completed their training of ANM and being eligible as per the above-mentioned

advertisement had applied for the said post of ANM/FHW. Accordingly, NSSB issued admit cards to them and they appeared in the examination on 24.02.2024. Thereafter, the NSSB,by Notification No. NSSB/EXAM-4/14/2023/59 dated 22.04.2024 published the list of 370 successful candidates, who were shortlisted for viva-voce under the Combined Educational and Technical Services Examination 2023. The roll numbers of all the seventeen (17)numbers of the petitioners were there in the said list.

6. Thereafter, on the date of the declaration of the result itself, i.e., on 22.05.2024, the Unemployed ANM Association (Respondent No.4) submitted a representation to the Secretary, NSSB, *inter-alia*, stating therein that in the list of eligible candidates shortlisted for viva-voce, which was published on 22.05.2024, no eligible candidates from the batches of the year 2011, 2012, 2013 and 2014 were selected. It was also contended that all the selected candidates were from the batches of the year 2016 and thereafter. The representation doubted the selection process and asked for a written clarification from the NSSB.

7. Thereafter, on the very next date, i.e., 23.05.2024, the NSSB issued the impugned corrigendum list for viva-voce bearing No. NSSB/EXAM-4/14/2023 dated 23.05.2024 whereby a revised result of the written examination in respect of the Combined Educational and Technical Services Examination 2023 was published. In the said corrigendum, roll numbers of sixty-eight (68)new candidates

were inserted, which did not find place in the earlier list which was published on 22.05.2024. The names of the present petitioners which were there in the earlier list dated 22.05.2024 were dropped in the impugned corrigendum. The date of viva-voce as per the impugned corrigendum was fixed on 01.07.2024.

8. The petitioners, whose names were dropped from the shortlisted names for viva-voce in the impugned corrigendum,preferred the instant writ petition and considering the urgency of the matter, a coordinate bench of this Court had, on the day of motion itself (i.e., on 28.06.2024) stayed the conduct of viva-voce for the post of ANM/FHW till next returnable date. The interim stay granted by this Court on 28.06.2024 is still operative.

9. Mr. Sentiyanger, the learned counsel for the petitioners has submitted that the sixty-eight (68) new candidates whose names were inserted in the impugned corrigendum for the shortlisted candidates for viva-voce do not possess the requisite educational qualification of 2 years Diploma in ANM as stipulated in the advertisement for the post of ANM/FHW issued by the NSSB.

10. The learned counsel for the petitioners has submitted that though, in the impugned corrigendum it was mentioned that the board has revised the written results of the Roll Nos. mentioned in the corrigendum with regard to the Combined Educational and Technical Services Examination 2023 (CETSE-2023), however, no reasons for the said revision was stated in the impugned corrigendum. He submits that the NSSB (Respondent No.

2),without seeking any clarification or approval from the Health and Family Welfare Department (Respondents Nos.5 and 6), tinkered with the examination result in an arbitrary and illegal manner showing the unfairness, favoritism and lack of transparency on the part of the NSSB.

11. The learned counsel for the petitioners has also submitted that the results were revised by the NSSB at a lightning speed in an arbitrary manner after getting representation from the Unemployed ANM Association (Respondent No.4). He further submits that thereafter, by the Letter No. NSSB/EXAM-4/CTS-1/18/2023/68 dated 29.05.2024, the Secretary, NSSB informed the President of the ANM Association that on receipt of representation dated 22.05.2024 from the said association seeking certain clarification on the selection process, the results of ANM/FHW was re-examined and re-viewed and the board detected that the entire list of FHW was omitted as only ANM was mentioned in the requisite educational qualification at the time of registration.

12. The learned counsel for the petitioners has submitted that as the advertisement dated 15.12.2023 has categorically mentioned the educational qualification for the advertised post of ANM/FHW to be "2 years course in ANM", the NSSB could not have included the names of those candidates in the list of candidates selected for viva-voce, who do not possess the requisite educational qualification of 2 years course in ANM.

13. The learned counsel for the petitioners has submitted that the Rule 43 of the Nagaland Staff Selection Board Regulation, 2020 prohibits re-evaluation and revision after declaration of results. He also submits that by including the names of the candidates who do not have the requisite educational qualification as per the advertisement, the NSSB has changed the Rules of the games after the match is over, which is against the settled legal proposition in this regard. He submits that without issuing any corrigendum regarding requisite educational qualification as mentioned in the original advertisement, the NSSB has arbitrarily revised the examination results deleting the name of the petitioners from there, which is bad in law. In support of his submission, the learned counsel for the petitioners has cited a ruling of the Apex Court in the case of ***"Mohinder Singh Gill and Another Vs. The Chief Election Commission, New Delhi and Others"*** reported in***(1978) 1 SCC 405,*** wherein the Apex Court has observed that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by the fresh reasons in the shape of the affidavit or otherwise. The learned counsel for the petitioners has further submitted that the public orders which are publicly made in exercise of statutory authority cannot be construed in the light of the explanations subsequently given by the officer making the order of what he made or what was in his mind or what he intended to do. He, therefore, submits that the impugned

corrigendum which does not state the reasons for revision of the results which were declared on 22.05.2024 is bad in law.

14. The learned counsel for the petitioners has submitted that though it was stated in the letter dated 29.05.2024 of the NSSB to the respondent No. 4 that the revision was required to be made as because the entire list of FHW was omitted during preparation of the said list, however, he submits that in the earlier list dated 22.05.2024, the names of the two FHW, namely, RukhevinuoMetisieo (Roll No. 30000436) and Wezhiepe-u Kapfo (Roll No. 30000441) were there. He therefore, submits that the respondents Nos.2 and 3, i.e., NSSB have made false statement on affidavit. He therefore, submits that as the respondents Nos. 2 and 3 have suppressed fact before the Court, the contentions made by the said respondents for revising the result is not believable. He submits that in the garb of the impugned corrigendum the NSSB had illegally favored the respondents Nos. 7 to 73, who do not possess the requisite educational qualification of 2 years ANM.In support of his submission, the learned counsel for the petitioners has cited a ruling of the Apex Court in the case of ***"Ramjas Foundation and Another Vs. Union of India and Others"*** reported in ***(2010) 14 SCC 38.***

15. The learned counsel for the petitioners has also submitted that the private respondents Nos. 7 to 73 have participated in the written test knowing fully well about the educational qualification prescribed for the post in the advertisement and only when their

names were not in the select list which was published on 22.05.2024, they agitated before the NSSB without challenging the advertisement at the first instance. He submits that when the said respondent participated in the written examination without challenging the condition regarding the educational qualification in the advertisement, they cannot raise the said plea after they were found unsuccessful in the same. In support of his submission, the learned counsel for the petitioners has cited a ruling of the Apex Court in the case of ***"Madan Lal and Others Vs. State of J & K and Others"*** reported in ***(1995) 3 SCC 486***.

16. The learned counsel for the petitioners has also submitted that selection process ought to have been completed strictly in accordance with the stipulations laid down in the advertisement. He submits that even if any relaxation was required to be made in educational qualification mentioned in the advertisement, in terms of the relevant rules, the same should have been done before declaration of results by issuing corrigendum to that effect, however, without doing so, the NSSB revised the results, which were earlier declared on 22.05.2024 and same is contrary to the principles of equality contained in the Part-III of the Constitution of India. In support of his submission, the learned counsel for the petitioners has cited a ruling of the Apex Court in the case of ***"Bedanga Talukdar Vs. Saifudaullah Khan and Others"*** reported in ***(2011) 12 SCC 85.***

17. The learned counsel for the petitioners has submitted that the petitioners were selected for viva-voce in the original select list dated 22.05.2024, however, without showing any reason for dropping their names from the select list by the impugned corrigendum, the fundamental rights of the petitioner guaranteed to them under Articles 14, 16 and 21 of the Constitution of India have been violated. He, therefore, prays for quashing the impugned corrigendum dated 23.05.2024 and also prays for directing the respondents to allow the petitioners to face the viva-voce, in terms of the original select list dated 22.05.2024.

18. On the other hand, Ms. A. Ayemi, the learned Government Advocate appearing for the respondents Nos. 1, 5 and 6 has submitted that as per the provisions of the Nagaland Nursing Services Rules, 1988, the post of Auxiliary Nurse-cum-Midwifery/Female Health Workers falls within Class-III Cadre of Nagaland Nursing Services as stipulated under Rule-4 (1)(d) of the said Services Rules. She also submits that as per the Nagaland Nursing Services Rules, 1988, the post of ANM/FHW is to be filled up by 100% direct recruitment and the Rules prescribes essential qualifications for thesame as "Class-X with 2 years training as ANM/FHW".

19. The learned Government Advocate appearing for the respondents Nos. 1, 5 and 6 submits that the Under Secretary to the Government of Nagaland, Health and Family Welfare Department, on 28.11.2022 submitted requisition for sixty-two (62) posts of

ANM/FHW in the prescribed format to the Secretary, NSSB. She also submits that the State Government by its Letter dated 04.03.2023 resubmitted the proposal in the prescribed format to the Secretary, NSSB, requisitioning ofsixty-two (62) numbers of posts of ANM/FHW.

20. The learned Government Advocate appearing for the respondents Nos. 1, 5 and 6 submits that though the Nagaland Nursing Services Rules, 1988, prescribes the educational qualification as *"Class-X Standard with 2 year training as ANM/FHW"* for the direct recruitment to the post of ANM/FHW, however, as the Indian Nursing Council guidelines prescribes minimum educational qualification to undergo the course of ANM as passing of 12 years of schooling (10+2 years course) recognized by CBSE/ICSE/SSSCE/HSCE or a recognized equivalent examination. She submits that in view of the above facts, the Government, while making requisition for sixty-two (62) posts of ANM/FHW mentioned the educational qualification to be *"10+2 (Diploma in ANM)"* in the column No. 10 of the prescribed format for sending requisition for direct recruitment. She, therefore, submits that there is no illegality on the part of respondents Nos. 1, 5 and 6, which calls for any interference by this Court.

21. Mr. Moa Imchen, the learned Senior Government Advocate for the respondents Nos. 2 and 3 has submitted that the Auxiliary Nurse Midwifery (ANM) was previously referred to as Female Health Workers (FHW). He submits that the Indian Nursing Council

formally started ANM Diploma Course at Tuensang in the year 2016 and prior to that the training used to be provided for FHW course. He submits that ANM and FHW are the same course with different nomenclatures.

22. He submits that by Office Letter No. DHFW4/ANM/ CORRSP/2022/8103 dated 16.11.2022, the Principal Director, Health and Family Welfare (Respondent No. 6) submitted a proposal to the Government for appointment of sixty-two (62) posts of ANM/FHW under queue system. He submits that prior to enforcement of NSSB Regulation, 2020, the queue system was followed by the Department for appointing ANM/FHW and after coming into force of the said Regulation, the NSSB has been entrusted to maintain queue system as in accordance with Regulation 3 (3)(c) of the Nagaland Staff Selection Board Regulation, 2020. He submits that as per the said provision the recruitment is to be carried out in the ratio of 50% from the existing queue and 50% through open competition wherein the candidates enlisted in the queue are also eligible to participate in open competitive recruitment process.

23. The learned Senior Government Advocate for the respondents Nos. 2 and 3 has submitted that the candidates who are eligible for appointment under queue system also included those who possess minimum educational qualification of Class-X with an FHW certificate. He submits that as the revised academic qualification criteria of 10+2 came into effect from the year 2012 only. The

NSSB, on the basis of verbal clarification, inserted in its advertisement dated 15.12.2023, the educational qualification as *"2 years course in ANM"* so as to accommodate both Class 10 and Class 12 passed candidates. The learned Senior Government Advocate submits that this does not in any manner constitutes unauthorized alteration of educational qualification in the advertisement issued by the NSSB.

24. The learned Senior Government Advocate for the respondents Nos. 2 and 3 has submitted that as in the first select list published on 22.05.2022, the names of the candidates with FHW certificates were omitted and as the FHW certificate is equivalent to the Diploma in ANM, the results declared on 22.05.2024 were revised and the impugned corrigendum was published containing a correct list of shortlisted candidates for viva-voce. The learned Senior Government Advocate has fairly submitted that though the impugned corrigendum does not mention about the reasons for revision of results, however, the same was orally communicated to the President of Unemployed ANM Association (Respondent No.4) and thereafter, a written explanation bearing Letter No. NSSB/Exam-4/CTS-1/18-2023/68 dated 29.05.2024 was forwarded by the NSSB to the President of Unemployed ANM Association (Respondent No.4) for dissemination among its Members.

25. The learned Senior Government Advocate has further submitted thatRule 43 of the Nagaland Staff Selection Board Regulation, 2020 only prohibits the reevaluation of answer scripts at any stage of

the recruitment examination process, however, in the instant case only revision of results was done without re-evaluating the answers on the basis of marks scored by the candidates. He submits that the allegations made by the petitioners that the rules of the games were changed after the match is over are not true and applicable to the facts and circumstances of the present case, in as much as the final results of the recruitment process to the post of ANM/FHW were not declared and the applications of the candidates who had applied for the aforesaid post were only revised on the basis of educational qualification prescribed by the Nagaland Nursing Services Rules, 1988. He also submits that the respondents Nos. 7 to 73, whose names were included in the corrigendum scored more marks than the present petitioners, hence, there is no illegality in the corrigendum impugned by the petitioners in this case. He, therefore, prays for dismissing the writ petition.

26. Mr. A. Pongener, the learned counsel for the respondent No. 4 has submitted that in the advertisement dated 15.12.2023, the educational qualification mentioned for direct recruitment to the post of ANM/FHW i.e., "2 years course in ANM" is not in conformity with the educational qualification prescribed in the Nagaland Nursing Services Rules, 1988 as the same prescribes "Class-X Standard with 2 years training in ANM/FHW". He submits that as the nomenclature ANM/FHW courses are equivalent as certified by the Nagaland Nursing Council (Certificate dated 21.12.2024) and

as all the candidates possessing FHW Certificates were excluded from the select list which was published on 22.05.2024, the Respondent No. 4 filed a representation and the NSSB had correctly published the revised result by way of impugned corrigendum, in conformity with the provisions of the Nagaland Nursing Service Rules, 1988.

27. He submits that though the advertisement was contrary to the provisions of the Service Rules in force, it is well settled legal proposition that in case the educational qualification mentioned in the advertisement is contrary to the statutory rules, it is the latter, which would prevail. He, therefore, submits that there is no illegality done by the Respondents Nos. 2 and 3 by issuing the impugned corrigendum. He, therefore, prays for dismissing the writ petition.

28. Mr. T. B. Jamir, the learned counsel for the Respondents Nos. 7 to 73 has, at the very beginning of his submission raised a preliminary objection regarding maintainability of this writ petition. He submits that in paragraph No. 10 of the writ petition, the writ petitioners have stated that *"ANM is a course as well as post; whereas FHW is only a post",* which is a deliberate misstatement made by the petitioners. He submits that the Nagaland Nursing Service Rules, 1988 provides that ANM and FHW are both names of post as well as training courses. He submits that Schedule-I to aforesaid Rules which provides forthe eligibility criteria for

ANM/FHW as 2 years training as ANM/FHW, which clearly indicates that ANM/FHW are also names of training courses.

29. The learned counsel for the respondents Nos. 7 to 73 has submitted that a jurisdiction of this Court under Article 226 of the Constitution of India is extra-ordinary, equitable and discretionary. He submits that prerogative writs mentioned therein are issued for doing substantial justice. It is, therefore, of utmost necessity that the petitioner approaching the writ Court must come with clean hands, put forward all the facts before the Court without concealing or suppressing anything and seek an appropriate relief. He submits that, in the instant case the petitionersare guilty of misleading the Court by intentionally making a false statement. He, therefore, submits that the instant writ petition is liable to be dismissed on the aforesaid ground only. In support of his submission, the learned counsel for the petitioners has cited the rulings of the Apex Court in the case of ***"K.D. SharmaVs. Steel Authority of India Ltd. and Others"***reported in ***(2008) 12 SCC 481***as well as ***"Meghmala and Others Vs. G. Narasimha Reddy and Others"***reported in ***(2010) 8 SCC 383.***

30. The learned counsel for the respondents Nos. 7 to 73 has also submitted that the Auxiliary Nurse Midwifery (ANM)/Female Health Worker (FHW) is a course prescribed by the Indian Nursing Council. He submits that the nomenclature ANM/FHW courses are equivalent, therefore, the Registration Certificates are issued by the Assam Nurses' Midwives' and Health Visitors' Council/Nagaland

Nursing Council to ANM/FHW on successful completion of 2 years course from the institution recognized by the Indian Nursing Council to practice as registered Midwife. He submits that a Certificate to this effect has been issued by the President and Registrar of Nagaland Nursing Council on 21.10.2024, which is annexed as Annexure-IV to the affidavit-in-opposition submitted by the respondent No. 4, which fortifies his submissions.

31. The learned counsel for the respondents Nos. 7 to 73 has submitted that the NSSB, after it detected that the entire list of FHW was erroneously omitted in the list of shortlisted candidates for viva-voce which was published on 22.05.2024, as only "ANM" was mentioned in the advertisement as the requisite eligibility educational qualification for the post of ANM/FHW, has rightly issued the corrigendum by rectifying its mistake. He submits that such rectification may not be regarded as re-evaluation of answer scripts so as to attract the embargo of Rule-43 of Nagaland Staff Selection Board Regulation, 2020.

32. The learned counsel for the respondents Nos. 7 to 73 has also submitted that the revised results issued by the respondents Nos. 2 and 3 were strictly in consonance with the Nagaland Nursing Service Rules, 1988, therefore, it cannot be said that the respondents Nos. 2 and 3 have tinkered with the prescribed educational qualification for the post.

33. The learned counsel for the respondents Nos. 7 to 73 has also submitted that it is a settled principle of service jurisprudence that

in the event of a conflict between the statement in the advertisement and service regulations, the latter shall prevail. He submits that any part of the advertisement, which is contrary to the statutory Rules has to give way to the statutory prescriptions. In support of his submissions, the learned counsel has cited the rulings of the Apex Court in the case of the ***"Employees' State Insurance Corporation Vs. Union of India and Others"*** (Judgment dated 20.01.2022 in Civil Appeal No. 152/2022) as well as in the case of ***"Union of India Vs. Uzair Imran and Others"*** reported in ***2023 SCC Online SC 1308.***

34. The learned counsel for the respondents Nos. 7 to 73 has submitted that initially the ANM training was for 1½ years and it was only from the year 2012, the duration of 2 years was prescribed for the said training. He submits that as the Nagaland Nursing Service Rules, 1988 prescribes training as ANM as well as FHW as the requisite eligibility criteria for selection to the said posts and as the Nagaland Nursing Council has recognized both ANM and FHW as equivalent courses, therefore, if the respondent Nos. 7 to 73 are excluded from participating in the recruitment process merely on the basis of tenure of training of FHW course undergone by them, they would be greatly prejudice. He, therefore, submits that the main relief sought by the petitioners, i.e., quashing of impugned corrigendum dated 23.05.2024may not be granted to the petitioners as it would cause great injustice to the respondents Nos. 7 to 73.

35. I have considered the submissions made by the learned counsel for both sides and have gone through the materials available on record. I have also gone through the judgments cited by the learned counsel for both sides.

36. The NSSB Regulations, 2020 came into force on 31st July 2020 with the publication in the Nagaland Gazette.As per the Regulation 3 (1) of the said Regulations, they are applicable to the direct recruitment for Group C services/posts (pay level 3 to 7) under the Government of Nagaland at Secretariate, Directorate and District except those listed in Schedule-A of the said Regulations. The posts of ANM/FHW being Group C posts (pay level 6) comes within the purview of Regulation 3 (1) of the aforesaid Regulations. On perusal of the provisions of the NSSB Regulations, 2020, it appears that the procedure forconduct of examination for selecting successfulcandidates, strictly on the basis of merit, has been laid down in Part-B of the aforesaid Regulations (from Regulation No. 14 to 51).

37. On perusal of NSSB Regulations, 2020, it also appears that the Regulation 14(1) provides that requisition for filling up vacant post by direct recruitment shall be sent to the Secretary-cum-Controller of the Board as per the format at Appendix-I of the said Regulation, after obtaining due approval from the competent authority in the Government. It appears that accordingly,the requisition for sixty-two (62) posts of ANM/FHW wassent to the Secretary, the Nagaland Staff Selection Board, 2020 on 28.11.2022

by letter No. HFW(A)RQ-ANM/FHW/15/8/22/642 by the under Secretary to the Government of Nagaland, Health and Family Welfare Department.

38. On perusal of the format for sending requisition for direct appointment to the post, enclosed to the aforesaid letter, it appears that in the Column No. 10 of the said format, which pertains to the educational and other qualification prescribed for direct recruitment as per the relevant Rules, the said qualifications were mentioned as*"10+2 (Diploma in ANM)"*. On perusal of the said format, it also appears that it has been clearly stated therein that the educational and other qualifications prescribed has to be as per the relevant recruitment Rules. However, when we peruse the Nagaland Nursing Services Rules, 1988, which regulates the recruitment and conditions of service of the persons appointed to the Nagaland Nursing Services prescribes the eligibility criteria for appointment of Auxiliary Nurse-cum-Midwife/Female Health Worker as *"Class-X Standard with 2 years training in ANM/FHW"*.

39. Thus, it appears that in the requisition which was sent to the Secretary, NSSB, on 28.11.2022for filling up of sixty-two(62) vacant posts of ANM/FHW, the educational and other qualification mentioned thereindoes not tally with what has been provided in the Nagaland Nursing Services Rules, 1988.It also appears that no reasons were mentioned in the requisition letter or in the filled-up format enclosed therewith as to why a deviation from the educational and other qualification for the post of ANM/FHW, as

prescribed in the Nagaland Nursing Services Rules, 1988, was made in the requisition by the Government.The justification for the same as mentioned in paragraph 6 of the affidavit-in-opposition submitted by the respondents Nos.1, 5 and 6, to the effect that as the Government is bound to follow the terms and conditions for admission to ANM course laid down by the Indian Nursing Council, namely, passing of 12 years of schooling (10+2 Course) from a recognized board, hence, while sending the requisition for filling up sixty-two (62) posts of ANM/FHW,the educational and other qualification required for the same were mentioned as "10+2 (Diploma in ANM)" were not communicated to the NSSB at the time of making requisition. There is nothing on record except the clarification given by the respondents Nos. 1, 5 and 6 in their affidavit-in-opposition in this writ petition as to why a deviation from the educational and other qualifications required for the posts as prescribed in the service rules were made by the requisitioning authority. If the circumstances required so, the Government could have brought necessary amendments, as per exigency of the circumstances, in the Nagaland Nursing Services Rules, 1988 before mentioning theother educational and other qualifications, in the requisition made to the NSSB, deviating from what has been prescribed in the Rules.When the Nagaland Nursing Services Rules, 1988, which regulates the recruitment and conditions of service of the persons appointed to Nagaland Nursing Services clearly prescribes in Schedule-I thereto that the eligibility and other

conditions for the post of ANM/FHW, to be appointed by direct recruitment as "Class-X Standard with 2 years training as ANM/FHW", the Government could not have prescribed a different eligibility criteria for appointment without amending the aforesaid rules. If the Government does not abide by the rules framed and notified by the Government itself, the result would be of chaos and confusion,not only amongst general public but also in the public authorities as has happened in the instant case.

40. Thus, it appears that in the instant case, the Government while making requisition to the NSSB, for appointment of sixty-two (62)numbers of posts of ANM/FHW, had prescribed a different educational and other eligibility condition which has not been prescribed in Schedule-I of the Nagaland Nursing Services Rules, 1988.

41. What is interesting to note is that, in the advertisement dated 15.12.2023 calling for online applications for appointment to the post of ANM/FHW, the number of vacancies shown was sixty-one (61), instead of sixty-two (62), for which requisition was made. It also appears that in the column prescribing for the necessary educational qualification for the post of ANM/FHW, of the said advertisement, the educational qualification was shown as "2 years course in ANM", which is neither in conformity with the educational qualifications mentioned the Column No. 10 of the format enclosed along with the requisition send by the Government to the NSSB on 28.11.2022 and on 04.03.2023, nor it conforms withthe

educational qualification prescribed,for the said posts, in the Schedule-I to the Nagaland Nursing Services Rules, 1988.

42. We have already discussed hereinbefore that the Schedule-I of the Nagaland Nursing Services Rules, 1988 prescribes the eligibility and other educational criteria for appointment to the post of ANM/FHW as *"Class-X Standard withtwo years training as ANM/FHW"*. However, while sending the requisition to the NSSB for the said posts, the Government tinkered with the educational criteria as prescribed by the 1988 Rules, by providing for *"10+2"* instead of *"Class-X Standard"* and by providing for *"Diploma in ANM",* instead of *"two years training as ANM/FHW".* As discussed hereinbefore, neither the rules were amended nor the Government gave any justification for prescribing different educational/eligibility criteria from what has been prescribed by the Rules. The NSSB, on its part without any written communication to that effect from the requisitioning authority had prescribed in the advertisement the educational/eligibility criteria as *"2 years course in ANM"*thus, removing therefrom *"Class-X standard"* as prescribed in the Rules as well as *"10+2"* as mentioned by the requisitioning authority in the Column No. 10 of the format enclosed with the requisition letter. The NSSB while prescribing the educational/eligibility criteria in the advertisement had also removed therefrom the eligibility criteria of "*two years training as FHW"*. Thus, it appears that neither the educational qualification mentioned by the Government in its requisition form to the NSSB conforms with the

educational/eligibility criteria prescribed by the 1988 Rules, nor the educational/eligibility criteria mentioned in the advertisement issued by the NSSB conforms with the criteria prescribed by the said Rules.

43. Though, there is no dispute over the legal proposition settled by the Apex Court in catena of its decisions [for example "***Employees State Insurance Corporation Vs. Union of India and Others"*** (Supra) and "***Malik Mazhar Sultan Vs. U.P. Public Service Commission*** reported in ***(2006) 9 SCC 507"***] that in the event of conflict between a statement in the advertisement and service regulations, the latter shall prevail and any part of the advertisement, which is contrary to the Rules has to give way for the statutory prescriptions, however, in the instant case, the matter does not appears to be so simple.

44. It appears that the Nagaland Nursing Services Rules, 1988, has prescribed the eligibility criteria for the post of ANM/FHW as *"Class-X Standard with two years training as ANM/FHW",* which means a candidate possessing educational qualification up to Class-Xwith two years training as FHW is also eligible for appointment to the post of ANM/FHW. It also appears that all the respondents Nos.7 to 73 (except respondent No.50) had undergone training as Female Health Worker, in between 2011 to 2019, from Female Health Worker Training School, Tuensang, Nagaland and they were granted FHW certificate by Assam Nurses' Midwives' and Health Visitors' Council. The FHW Training School,

Tuensang is recognized by Indian Nursing Council. The respondent No. 50 has undergone 18 months training in anatomy, physiology, microbiology, psychology etc. conducted by Assam Nurses' Midwives' and Health Visitors' Council, which is stated to be equivalent to the FHW course.

45. On perusal of the FHW Certificates of the above-mentioned respondents, it appears that the duration of FHW training course undergone by them was of one year six months. However, the Nagaland Nursing Services Rules, 1988 provides for the duration of two years even for FHW training. Considering the submissions made by the learned counsel for the respondents Nos. 7 to 73, that the duration of FHW training course imparted by the institutions recognized by the Indian Nursing Council and Nagaland Nursing Council is for one year and six months only, this Court is of the considered opinion that the stipulation as regards the duration of two years mentioned in the educational/eligibility criteria, for the post of FHW, prescribed by the Schedule-I of the Nagaland Nursing Services Rules, 1988, is contrary to the prevailing norm, i.e., duration of one year six months which is provided and followed for the said course by the institutions recognized by Indian Nursing Council. Similarly, in case of training course for ANM imparted by the institutions recognized by the Indian Nursing Council, the minimum educational qualification acquired for undergoing the said course is passing 10+2 course and not Class-X Standard. If the concerned Services Rules remain ambiguous as regards the

educational/eligibility criteria in respect of a specific category of post, it would only lead to the confusion and chaos not only amongst the candidates, but also amongst the authority, which has to implement the said Rules, as has happened in this case. Hence, in order to accommodate the candidates who have undergone ANM or FHW coursesimparted by the institutions recognized by the Indian Nursing Council, the Nagaland Nursing Services Rules, 1988 is urgently required to be amended, accordingly.However, without amending the Rules, the NSSB cannot, on its own, prescribe the educational/eligibility criteria in the advertisement, which do not conform with the criteria mentioned in the said Rules.

46. As regards the preliminary objection raised by the learned counsel for the respondents Nos. 7 to 73, this Court is of the opinion that though, FHW is a post, however, when it is referred to as "training as FHW" it indicates about the course. The petitioners in paragraph No. 10 of their writ petition while mentioning that "FHW is only a post" may not be strictly faulted with so as to hold them liable of deliberately making wrong statement in their writ petition so that the same may be dismissed on that point only.

47. Now, let us examine as to whether by issuing the impugned corrigendum the NSSB had acted in an arbitrary manner and has compromised with the sanctity of the process of the recruitment examination.

48. We have discussed in the foregoing paragraphs as to how the educational/eligibility criteria, for the posts of ANM/FHW,

prescribed by the NSSB in the advertisement dated 15.12.2023 does not conform with the educational/eligibility criteria mentioned in the column No. 10 of the format enclosed with the requisitioning letter No. HFW(A)RQ-ANM/FHW/15/8/22/642dated 28.11.2022, nor it conforms to the educational/eligibility criteria mentioned in the Schedule-I to the Nagaland Nursing Services Rules, 1988. Further, while issuing the impugned corrigendum on 23.05.2024, no reasons were stated by the NSSB for revising written result which were earlier declared on 22.05.2024. There is no whisper in the impugned corrigendum dated 23.05.2024 as to what prompted the said revision. It also appears that though the roll numbers of the forty-eight (48)numbers of candidates who were earlier declared to be selected by the Notification dated 22.05.2024 were cancelled by the impugned corrigendum dated 23.05.2024, no reasons for the same was mentioned in the said corrigendum. The candidates whose roll numbers were cancelled by the impugned corrigendum, including the present petitioners were kept in dark about the same. The submissions made by the learned Senior Government Advocate for the respondents Nos. 2 and 3 that the reasons for the same were verbally communicated to the President of the Unemployed ANM Association and that later on 29.05.2024, a written clarification was also sent to the President of the Unemployed ANM Association by the Secretary, NSSB cannot be accepted.

49. This Court fully agrees with the submissions made by the learned counsel for the petitioners, whereby he, by citing the judgement of the Apex Court in the case of "***Mohinder Singh Gill and Another Vs. The Chief Election Commission, New Delhi and Others"*** (Supra) had submitted that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. This Court also intends to quote a paragraph from the above cited case, as the same is found relevant in the instant case also, as follows:

> *"Public orders, publicly made, in exercise of a statutory authority cannot be construed in the light of explanations subsequently given by the officer making the order of what he meant, or of what was in his mind, or what he intended to, do. Public orders made by public authorities are meant to have public effect and are intended to effect the actings and conduct of those to whom they are addressed and must be construed objectively with reference to the language used in the order itself."*

50. This Court is of the considered opinion that the impugned corrigendum dated 23.05.2024 does not pass the test laid down by the Apex Court in the above cited case of "***Mohinder Singh Gill"***

(Supra)as no reasons for issuing the impugned corrigendum and cancelling the name of the petitioners from the list of the shortlisted candidates for viva-voce have been mentioned in the said corrigendum. The subsequent written clarification given by the Secretary, NSSB, on 29.05.2024, to the President of Unemployed ANM Associationalso does not cure the vice of issuing the impugned corrigendum without stating any reasons therein for doing so. The impugned corrigendum is, therefore, in the considered opinion of this Court, liable to be set aside, for the said reason coupled with other reasons discussed in the foregoing paragraphs.

51. As regards, the respondents Nos. 7 to 73 are concerned, it appears that though they did not undergo the two years training as FHW, however, their names were not shown in the list of the candidates which ought to have issued by the NSSB under Regulation 18(3) of the NSSB Regulation, 2020. All of them were allowed to participate in the written examination and what transpires from the materials available in the record that their names were not considered in the merit list published on 22.05.2024 as they did not undergo two years ANM Course.

52. Regulation 18 of Nagaland Staff Selection Board Regulations, 2020 provides as follows:

> ***"18. SCRUTINY OF APPLICATION FORMS:***
>
> *(1) The Examination Branch of the Board, after the last day for submission of application forms, shall scrutinize all the applications in minute detail.*

(2) After scrutiny by the Examination Branch, the Board shall fix the date(s) of examination.

(3) The Board shall issue a statement showing the number of valid applications and those rejected with reasons for rejection."

53. It appears that in the instant case the NSSB had issued the impugned corrigendum on 23.05.2024, after receiving a representation, on 22.05.2024, from the respondent No.4, questioning the process of conduct of examination. The submissions made by the learned Senior Government Counsel that on receipt of the aforesaid representation, the NSSB detected that the candidates who had undergone training course as FHW were excluded as they did not have ANM course certificate, itself shows that the NSSB had not minutely scrutinize the application forms, as required under Regulation 18 (1) of the NSSB Regulation, 2020, on the last date of submission of application form, as all the defendants Nos. 7 to 73 were allowed to appear in the Combined Educational and Technical Service Examination, 2023.

54. It appears that in the instant case,even if we accept the contentions as stated by the respondents Nos. 2 and 3, in their affidavit-in-opposition, thatas the technical evaluator did not consider the FHW certificate strictly going by the educational qualification prescribed in the advertisement as a valid certificate, the names of the FHW candidates were omitted. However, even then, it appears that thereject list, which should have been

published containing the names of respondents Nos. 7 to 73 under Regulation 18 (3) of the NSSB Regulation, 2020 mentioning the reasons for rejection were not published in the instant case. Had the same being done, the respondents Nos. 7 to 73 could have availed the necessary remedy by challenging the reasons for rejection of their application. By not doing so they have been deprived of the chance to avail appropriate legal remedy at the initial stage of the recruitment process itself.

55. Further, though, it has been stated in the affidavit-in-opposition filed by the respondents Nos. 2 and 3 that in pursuant to Regulation 3 (3)(c) of NSSB Regulations, 2020, the NSSB have been entrusted with the responsibility for continuing the queue system, which was earlier followed by the Health and Family Welfare Department, whereby the 50% of the recruitment shall have to be done from queue system maintained by the Board and 50% through open competition, however, no such stipulation has been made in the advertisement issued by the NSSB, nor any such provision is there in the Nagaland Nursing Services Rules, 1988.

56. Though, the revision of results, in itself may not be regarded as re-evaluation of the answer scripts so as to attract the embargo of Regulation 43 of the Nagaland Staff Selection Board Regulations, 2020, however, the manner in which the respondents Nos. 2 and 3 have conducted the process of theCombined Educational and Technical Service Examination, 2023 in as much as it relates to the sixty one (61) posts of ANM/FHW, this Court is constrained to

observe that same was not done in conformity with the rules, i.e., either the Nagaland Nursing Services Rules, 1988 or the Nagaland Staff Selection Board Regulation, 2020. The manner in which two select lists for viva-voce were published on consecutive dates by the NSSB without mentioning the reason for doing so in the subsequent list which was published by way of the impugned corrigendum itself cast doubt on the sanctity of the said examination process conducted by it. The shortcomings in the conduct of recruitment examination by the NSSB (Respondents Nos. 2 and 3), as discussed in the foregoing paragraphs of this judgment, has certainly undermined the public trust as far as the recruitment process for filling up the posts of ANM/FHW is concerned.It has also violated the fundamental rights guaranteed under Article 16 (1) of the Constitution of India, not only of the petitioners but also of the private respondents.

57. This Court, is of the considered opinion that in view of the serious and glaring irregularities and shortcomings, which have been pointed out in the foregoing paragraphs of this judgment, in conduct of the recruitment process for appointment to the sixty-one (61) posts of ANM/FHW in pursuant to the requisition, made by the Government for the same, on 28.11.2022 and on 04.03.2023 to NSSB, the sanctity of the recruitment process has been compromised and as such the entire recruitment process for the above-mentioned posts is liable to be set aside. This extreme step is necessary to ensure that the fundamental rights guaranteed

under Article 16(1) of the Constitution of India not only to the petitioners but also to the other candidates who had applied for selection to the said posts are required to be protected.

58. This Court is also conscious about the fact that all the candidates whose names appears in select list dated 22.05.2024 as well as in the corrigendum dated 23.05.2024 are not before this Court, however, as by merely applying and appearing in preliminary written examination none of the candidate has accrued a legal right to get appointment to the said posts, more so, when the recruitment process has been stalledin the midway by a judicial order, in view of glaring irregularities noticedand it is yet to be completed, hence, notice to all such candidates may not be necessary before cancelling the recruitment process. However, they are entitled to be informed about the cancellation of the recruitment process.

59. In view of the discussions made in the foregoing paragraphs of this judgment and reasons cited therein, following order are passed in this writ petition:

(i) The recruitment process initiated by holding theCombined Educational and Technical Service Examination 2023 (CETSE-2023) so far as it relates to appointment to the sixty-one (61) numbers of posts of ANM/FHW in the Department of Health and Family Welfare as provided in the item No. 4 of the advertisement No. NSSB-

1/CATSE2023 bearing memo No. NSSB/EXAM-4/CTS-1/18 dated 15.12.2023 is hereby cancelled.

(ii) Consequently, the lists of selected candidates for viva-voce which were published, on 22.05.2024 as well as 23.05.2024 (impugned corrigendum), by the respondents Nos. 2 and 3 (the NSSB) are hereby set aside and quashed.

(iii) The NSSB is hereby directed to immediately notify the cancellation of the recruitment process for appointment to the sixty-one (61) numbers of posts of ANM/FHW in the Department of Health and Family Welfare as provided in the item No. 4 of the advertisement No. NSSB-1/CATSE2023 bearing memo No. NSSB/EXAM-4/CTS-1/18 dated 15.12.2023 in widely circulated leading local newspapers as well as in its own website.

(iv) The respondents Nos. 1, 5 and 6arehereby directed to consider bringing necessary amendments in the Nagaland Nursing Services Rules, 1988 so as to provide therein the educational/eligibility criteria for appointment to the post of ANM/FHW in an unambiguous manner. This shall be done within a period of forty-five (45) days from the date of this order.

(v) After lapse of the aforesaid period, the respondent No. 5 shall within fifteen (15) days thereof make a requisition to the NSSB,strictly complying with the provisions of

Regulations 14 of the NSSB Regulations 2020, for filling up the vacant posts of ANM/FHW which exist at the time of making such requisition.

(vi) After receipt of the aforesaid requisition from the Government, the NSSB shall issue the necessary advertisement for the same within fifteen (15) days thereof, in pursuant to the provisions contained in Regulation 14 of the NSSB Regulations, 2020.

(vii) The candidates who had applied and participated in the previous recruitment process for the post of ANM/FHW, in pursuant to the advertisement dated 15.12.2023, may also appear in the fresh recruitment process. They shall have to apply afresh in pursuant to the new advertisement to be issued by the NSSB as per the directions mentioned in column (v) above. However, those candidates shall be given additional age relaxation for the period between 15.12.2023 and last date of filling up form in pursuant to the fresh advertisement to be issued by the NSSB as per this order. A stipulation to that effect shall be mentioned in the advertisement to be issued by the NSSB.

(viii) The NSSB shall prepare a timeline to compete each phase of the recruitment process in conformity with the Part-B of the Nagaland Staff Selection Board Regulation, 2020. The said recruitment process shall be completed within a

period of six (06) months from the date of issuance of the advertisement.

60. The Registry is hereby directed to send a copy of this judgment to the respondents Nos. 1, 2, 3, 5 and 6, immediately for complying with the same.

61. A copy of this judgment shall also be furnished to the learned counsel for the respondents Nos. 1, 5 and 6 as well as to the learned counsel for the respondents Nos. 2 and 3 with a request to communicate the same to the said respondents so that it may be complied with within the timeline as suggested in this judgment.

62. With the above observations, this writ petition is, hereby, disposed of.

JUDGE

Comparing Assistant