

GAHC020003842025

2025:GAU-NL:560



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

Case No. : WP(C)/120/2025

SHRI B HOPUNG
S/O LATE BERI, R/O PURRUE VILLAGE, PO/PS- KIPHIRE,
NAGALAND

VERSUS

STATE OF NAGALAND AND 2 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY, DEPT. OF SCHOOL
EDUCATION, DEPT. OF SCHOOL EDUCATION, NAGALAND KOHIMA

2:THE PRINCIPAL DIRECTOR
DEPT. OF SCHOOL EDUCATION
NAGALAND KOHIMA

3:THE DEPUTY INSPECTOR OF SCHOOLS
KIPHIRE NAGALAN

Advocate for the Petitioner : N. LONGKUMER, H MUKAM,LUCY WEO,KIM
PIENYU,REBECCA

Advocate for the Respondent : GOVT ADV NL,

**BEFORE
HON'BLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 20-11-2025

Heard Ms. Rebecca, learned counsel for the petitioner. Also heard Mr. M. Longkumer, learned Government Advocate for the State respondents.

2. The petitioner seeks a direction to the respondent authorities to regularize his service, in compliance with the order dated 15.02.2010 passed in WP(C)/141(K)/2008.

3. The relevant portion of the order dated 15.02.2010 passed in WP(C)/141(K)/2008, states as follows:

"...Since the petitioner has already been appointed as Peon-Cum-Chowkidar on contingency basis, the relief sought for by the petitioner has already been granted and therefore, this writ petition stands closed. However, since the appointment of the petitioner is only on contingency basis, the Department should consider his appointment on regular basis on expiry of the terms."

4. The petitioner by way of this writ petition also seeks for a direction to the respondent authorities to grant scale of pay, as has been paid to regular employees.

5. The respondent nos. 1 to 3 in paragraphs 4 and 5 of their affidavit have stated as follows:

"4... That since the relief sought by the petitioner in WPC No.

*141/2008 was granted, this Hon'ble High Court vide Order dated 15.02.2010 disposed of the said writ petition with a direction that **"Since the petitioner has already been appointed as Peon-Cum-Chowkidar on contingency basis, the relief sought for by the petitioner has already been granted and therefore, this writ petition stands closed. However, since the appointment of the petitioner is only on contingency basis, the Department should consider his appointment on regular basis on expiry of the terms."***

That the answering deponent humbly submits that in compliance with the order and direction of this Hon'ble High Court, the office of the answering deponent has given earnest consideration to regularize the petitioner; however, due to the absence of regular and sanctioned vacancy post in the school in which the petitioner is serving, the case of the petitioner could not be considered for regularization. However, the answering deponent respectfully submits that the department shall consider the case of the petitioner for regularization as and when a clear vacant sanctioned post arises at Government Middle School (GMS), Purrur.

5. That with regard to the statements made in paragraph 12 of the Writ Petition, the answering deponent does not admit anything which is contrary to record. Further, the answering deponent respectfully submits that pursuant to the P&AR Office Memorandum dated 05.03.2025 and Finance Department Office Memorandum dated 05.05.2025, the Department vide letter dated 06.08.2025 has duly submitted to the Government a comprehensive roster of Contingency and Casual Employees for conversion from fixed pay to scale pay. That the writ petitioner appears at Serial No. 215 on the said list. It is the earnest anticipation of the answering deponent that the scale of pay will be granted to the petitioner as per the standing policy of the state at the earliest."

6. A perusal of paragraph 4 of the affidavit of the respondent nos. 1 to 3, shows that the case of the petitioner for regularization would be considered, as and when a clear vacant sanctioned post arises at Government Middle School (GMS), Purrur.

7. Further, the prayer of the petitioner for grant of scale of pay, as has been paid to regular employees, has been answered in paragraph 5 of the affidavit of the respondent nos. 1 to 3, to the effect that the scale of pay would be granted to the petitioner as per the Standing Policy of the State, in terms of P&AR Office Memorandum dated 05.03.2025 and the Finance Department Office Memorandum dated 05.05.2025. Further it has been stated that the concerned department vide letter dated 06.08.2025, has duly submitted to the Government, a comprehensive roster of Contingency and Casual Employees for conversion of their fixed pay to scale pay.

8. In view of the above statements made by the State government in their affidavit, nothing is required to be adjudicated any longer. Accordingly, the respondents shall consider the petitioner for regularization, as and when a clear vacant sanctioned post arises in the Government Middle School (GMS), Purrur. Also, the State government shall take a decision for conversion of the petitioner's fixed pay to scale of pay, within a period of 6 (six) months from the date of receipt of a certified copy of this order.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant