

GAHC020004432024

2025:GAU-NL:422



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

**Case No. : WP(C)/154/2024**

SHRI R. THUNGARHOMO LOTH @ THUNGARHOMO TUNGU  
HAYI KHEL PHIRO VILLAGE  
P.O. WOKHA  
B.P.O. - WOZHURO  
DIST- WOKHA NAGALAND

VERSUS

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

2:THE COMMISSIONER  
GOVT. OF NAGALAND

3:THE DEPUTY COMMISSIONER  
WOKHA NAGALAND

4:YANBEMO TUNGU  
CHAIRMAN PHIRO VILLAGE COUNCIL  
DIST- WOKHA NAGALAND

5:NCHUMTHUNG  
SECRETARY- VILLAGE DEVELOPMENT BOARD (VDB)  
PHIRO VILLAGE  
WOKHA NAGALAN

**Advocate for the Petitioner : Z. N. NGULLIE,**

**Advocate for the Respondent : GOVT ADV NL,**

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

Date of Hearing : 02.09.2025  
Date of Judgment : 02.09.2025

**J U D G M E N T & O R D E R ( O R A L )**

Heard Mr. Z.N. Ngullie, learned counsel appearing on behalf of the petitioner. Also heard Ms. A. Ayemi, learned Government Advocate appearing on behalf of the respondent nos. 1 to 3, Ms. Kim Pienyu, learned counsel appearing on behalf of respondent no. 4 and Mr. Wati Jamir, learned counsel appearing on behalf of respondent no. 5.

**2.** The petitioner herein is aggrieved by the Order dated 21.06.2024 whereby the respondent no. 5 was appointed as Village Development Board Secretary of Phiro Village and further has sought for a direction upon the State respondents to appoint the petitioner as the Village Development Board Secretary as per the resolution passed by the members of the Village Development Board.

**3.** Shorn of the unnecessary details, it is relevant to take note of that the grievance of the petitioner in the present proceedings is that the petitioner along with three others illegally disqualified from the Membership of the Management Committee of Phiro Village Development Board and thereupon, the respondent no. 5 was selected as the Secretary of Phiro Village Development Authority.

**4.** Subsequently, when these disputes were placed before the Deputy Commissioner, Wokha, the Extra Assistant Commissioner was directed to submit a report as regards the disqualification of the petitioner and four

others. A report thereupon was submitted on 26.02.2024, whereby it was observed by the Extra Assistant Commissioner that the disqualification of 4 members out of 5 was not proper. It is further mentioned in the said report that then also the petitioner herein had 11 votes compared to the respondent no. 5 having 13 votes.

**5.** The question, however, arises as to whether there was any selection pursuant to the finding arrived at by the Extra Assistant Commissioner that the disqualification of 4 out of 5 were not proper. This Court inquired with the counsels appearing on behalf of the parties as to whether there was any selection held pursuant to the finding arrived that 4 out of 5 were wrongly disqualified. It is submitted at the bar that there was no such selection.

**6.** Taking into account the above let this Court now deal with the Village Development Boards Model Rules, 1980 (Revised) (For short, the Rules of 1980) as notified by the notification dated 21.11.1989. A perusal of the said Rules of 1980, and more particularly Rule 4(a) stipulates the formation of the General Body of the Village Development Board which shall consist of all permanent residents of the Village. Rule 4(b) relates to the formation of the Management Committee of the Village Development Board. It is very pertinent to observe that in terms with Rule 4(b) the Management of the entire Village Development Board is entrusted upon the Management Committee and these members of the Management Committee shall be chosen by the Village Council concerned. The tenure of the members of the Managing committee is 3 years unless decided otherwise by the Village Council by a resolution. Rule 5 stipulates that a

member of the Management Committee of the Village Development Board including the Secretary may be replaced by a resolution of the Village Council for reasons to be recorded in the resolution subject to the approval of the Chairman of the Village Development Board, *i.e.*, the concerned Deputy Commissioner or the Additional Deputy Commissioner. Rule 7 of the Rules of 1980 being relevant is reproduced hereinunder.

*"7. The Member of the Management Committee shall select one among themselves as Secretary who shall be a person who is literate having a minimum education qualification of matriculation and above. He shall be paid a remuneration ranging from Rs. 1000-Rs. 3000 only per month as may be decided by the VDB concern commensurate with their funds/resources preferably from interest accrued from the concerned VDB fixed deposit. No Village council Chairman or Head GB or Village Administration Head etc. shall be permitted to hold the post of the VDB Management Chairman."*

**7.** From a perusal of the above quoted Rule, it would be seen that the members of the Managing Committee shall select one amongst themselves as a Secretary, who shall be a person who is literate having minimum educational qualification of matriculate and above. Therefore, for the purpose of selection of the Secretary of the Management Committee, it is to be selected amongst the members of the Management Committee.

**8.** In the backdrop of the above, let this Court take note of the material facts involved. It would be seen that the Phiro Village Council, on 05.11.2024 held a meeting whereby a new term for the Village Development Board Management Committee comprising of 25 members was proposed. As per the resolution 22 members shall be from 6 clans to be selected as per the customary/traditional practice and 3 members from the Eloi Ekhung (Women representative).

**9.** Subsequent thereto, on 23.11.2023, the Phiro Village Council adopted a resolution whereby the names of all the 25 new members of the Management Committee of Village Development Board were accepted. Further, a deadline was given for filing nomination, withdrawal of nomination and date of selection/election of the Village Development Board Secretary and the date of selection was to be held on 12.12.2023. However, on the basis of resolution adopted on 12.12.2023 by the Phiro Village Council, 5 of the members of the Management Committee of the Village Development Board were disqualified, which included the petitioner. On the said date, out of the remaining 20 members, 12 members voted in favour of the respondent no. 5, while 8 members staged a walkout showing disapproval of the conduct of the house. Subsequent thereto, the respondent no. 5 was appointed as Secretary of the Village Development Board.

**10.** Being aggrieved, various complaints were filed before the Deputy Commissioner, Wokha and the Deputy Commissioner, Wokha thereupon entrusted the Extra Assistant Commissioner, Wozhuro, Nagaland to carry out the verification and submit a report. The report thereupon was submitted on 26.02.2024. In the said report it was categorically observed that the disqualification of the petitioner along with 3 others were not proper. However, the disqualification in respect of one of the members was upheld. The natural corollary therefore was that 24 members of the Management Committee could have participated in the selection of the Secretary. Furthermore, the petitioner's participation in the contest for appointment to the post of Secretary was thwarted illegally disqualifying him. Under such circumstances, the increase in the number of eligible

members of the Management Committee of the Village Development Board to select the Secretary and no election thereupon being held, in the opinion of this Court, have rendered the selection and appointment of the respondent no. 5, contrary to Rule 7 of the Rules of 1980 and accordingly liable to be set aside and quashed.

**11.** Accordingly, this Court, therefore, disposes of the instant Writ Petition with the following observations and directions.

(i) The appointment of the respondent no. 5 vide order dated 21.06.2024 is accordingly set aside and quashed.

(ii) This Court, directs the respondent no. 3 to ensure that a fresh selection is held for the post of Secretary of the Phiro Village Development Board amongst the eligible members of the Management Committee of the Village Development Board. The said process be completed within a period of one month from the date of a certified copy of this Judgment is served upon the respondent no. 3.

(iii) During this period, the respondent no. 3 who is the Ex-Officio Chairman of the Phiro Village Development Board is given liberty to take decision as to who shall be the interim Secretary of the Village Development Board.

**JUDGE**

**Comparing Assistant**