



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

Case No. : WP(C)/188/2023

SHRI TEMSUKUMZUK PONGEN AND ANR.
SON OF SHRI IMKONGRAMOK PONGEN,
R/O JAKHAMA, KOHIMA, NAGALAND

2: SHRI VETO. V ZHIMO

R/O SATAKHA
ZUNHEBOTO
NAGALAN

VERSUS

THE STATE OF NAGALAND AND 11 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT
OF NAGALAND

2:THE COMMISSIONER AND SECRETARY

PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT

NAGALAND
KOHIMA

3:THE COMMISSIONER AND SECRETARY

DEPARTMENT OF HIGHER AND TECHNICAL EDUCATION
NAGALAND
KOHIMA

4:THE DIRECTOR

DEPARTMENT OF HIGHER EDUCATION

NAGALAND
KOHIMA

5:SHRI E. LICHUMTHUNG KIKON

ASSISTANT PROFESSOR (COMMERCE)

DIAMPUR GOVT. COLLEGE
DIMAPUR

6:SHRI LEKOKONEN LONGKUMER

ASSISTANT PROFESSOR (COMMERCE)

DIMAPUR GOVT. COLLEGE DIMAPUR

7:SMTI. AKONO PHIRA

ASSISTANT PROFESSOR (COMMERCE)

KOHIMA COLLEGE
KOHIMA

8:SHRI VEKHOSA THINGO

ASSISTANT PROFESSOR (COMMERCE)

KOHIMA COLLEGE
KOHIMA

9:SMTI. NUKSHISANGLA LAMTUR

ASSISTANT PROFESSOR (COMMERCE)

DIMAPUR GOVT. COLLEGE DIMAPUR

10:SHRI MANEN JAMIR

ASSISTANT PROFESSOR (COMMERCE)

DIMAPUR GOVT. COLLEGE DIMAPUR

11:SMTI. NOZOSENUO PUYO

ASSISTANT PROFESSOR (COMMERCE)

KOHIMA COLLEGE
KOHIMA

12:UNIVERSITY GRANT COMMISSION (UGC)
BAHADUR SHAH ZAFAR MARG
NEW DELHI-1100

Advocate for the Petitioner : Z. ZHIMOMI, ABEL AYEMI,T. SHANGCHIU,S K
ACHUMI,TOSHI O. LONGKUMER

Advocate for the Respondent : GOVT ADV NL,

Linked Case : WP(C)/197/2023

SMTI. KAINALI K. SUMI AND ANR.
DAUGHTER OF KIHOSHE

R/O WARD 9

CHUMUKEDIMA
NAGALAND

2: SMTI. SENTINARO LEMTUR
R/O MAJAKONG WARD
MOKOKCHUNG
NAGALAND
VERSUS

THE STATE OF NAGALAND AND 6 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT
OF NAGALAND

2:THE COMMISSIONER AND SECRETARY
PERSONNEL AND ADMINISTRATIVE REFORMS
NAGALAND
KOHIMA

3:THE COMMISSIONER AND SECRETARY
DEPARTMENT OF HIGHER AND TECHNICAL EDUCATION
NAGALAND
KOHIMA

4:THE DIRECTOR
DEPARTMENT OF HIGHER EDUCATION
NAGALAND

KOHIMA

5:SHRI TIASUNEP OZUKUM
ASSISTANT PROFFESOR (GEOGRAPHY)
ZUNHEBOTO GOVT. COLLEGE
ZUNHEBOTO

6:SHRI KIPFELIE THEVO
ASSISTANT PROFFESOR (GEOGRAPHY)
ZUNHEBOTO GOVT. COLLEGE
ZUNHEBOTO

7:SMTI ZAKALI AYEMI
ASSISTANT PROFFESOR (GEOGRAPHY)
KOHIMA SCIENCE COLLEGE
JOTSOMA

Advocate for : Z. ZHIMOMI
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND
AND 6 ORS.

Linked Case : WP(C)/192/2023

SHRI RUOVIZOKHONUO E. PIENYU AND ANR.
DAUGHTER OF SHRI KEKRU PIENYII

R/P KITSUBOZOU COLONY
KOHIMA

2: SMTI TONO CHISHI
D/O SHRI VIHOTO CHISHI
R/O I-KHEL DIPHUPAR VILLAGE
DIMAPUR
VERSUS

THE STATE OF NAGALAND AND 7 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT
OF NAGALAND

2:THE COMMISSIONER AND SECRETARY
PERSONNEL AND ADMINISTRATIVE REFORMS
NAGALAND
KOHIMA

3:THE COMMISSIONER AND SECRETARY
DEPARTMENT OF HIGHER AND TECHNICAL EDUCATION

NAGALAND
KOHIMA

4:THE DIRECTOR
DEPARTMENT OF HIGHER EDUCATION
NAGALAND
KOHIMA

6:SMTI. RUKUOVIU
ASSISTANT PROFFESOR (PSYCHOLOGY)
DIMAPUR GOVT. COLLEGE
DIMAPUR

7:DR. ASANGBA TZUDIR
ASSISTANT PROFFESOR (PHILOSOPHY)
DIMAPUR GOVT. COLLEGE
DIMAPUR

8:SMTI. NUNGSHIPOKLA
ASSISTANT PROFFESOR (PHILOSOPHY)
FAZL ALI COLLEGE
MOKOKCHUNG

Advocate for : Z. ZHIMOMI
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND
AND 7 ORS

Linked Case : WP(C)/196/2023

SMTI. NECULU CHUZHO
DAUGHTER OF SHRI VEZHOSA CHUZHO

R/O AGRI FARM
KOHIMA
NAGALAND

VERSUS

THE STATE OF NAGALAND AND 17 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT
OF NAGALAND

2:THE COMMISSIONER AND SECRETARY
PERSONNEL AND ADMINISTRATIVE REFORMS (P AND AR)
NAGALAND

KOHIMA

3:THE COMMISSIONER AND SECRETARY
DEPARTMENT OF HIGHER AND TECHNICAL EDUCATION
NAGALAND
KOHIMA

4:THJE DIRECTOR
DEPARTMENT OF HIGHER EDUCATION
NAGALAND
KOHIMA.

5:SMTI. DEKHINGPILA
ASSISTANT PROFFESOR (SOCIOLOGY)
SAO CHANG COLLEGE
TUIENSANG

6:SHRI RENTSAMO J HUMTSOE
ASSISTANT PROFFESOR (SOCIOLOGY)
YINGLI GOVT. COLLEGE
LONGLENG

7:SMTI. PHENMEI B PHOM
ASSISTANT PROFFESOR (SOCIOLOGY)
YINGLI COLLEGE
LONGLENG

8:SMTI. VISERENUO THEUNUO
ASSISTANT PROFFESOR (SOCIOLOGY0

KOHIMA COLLEGE
KOHIMA.

9:DR. HANNAH TIA
ASSISTANT PROFFESOR (SOCIOLOGY)

DIMAPUR GOVT. COLLEGE
DIMAPUR

11:SMTI. VIZOLENUO SOPHIE
ASSISTANT PROFFESOR (SOCIOLOGY)
YINGLI COLLEGE
LONGLENG

12:SHRI KHRIENEIKUO ZUMU
ASSISTANT PROFFESOR (SOCIOLOGY) WANGKHAO GOVT. COLLEGE
MON

13:SMTI. FAUTINA PONGEN
ASSISTANT PROFFESOR (SOCIOLOGY)
MT. TIYI COLLEGE
WOKHA

14:SHRI Y. AYAMO KIKON
ASSISTANT PROFFESOR (SOCIOLOGY)
WANGKHAO COLLEGE
MON

15:SMTI. SENELI APON RENGMA
ASSISTANT PROFFESOR 9SOCIOLOGY)
KOHIMA COLLEGE
KOHIMA

16:SMTI. THUNGJANO E. OVUNG
ASSISTANT PROFFESOR (SOCIOLOGY)
MT.TIYI COLLEGE
WOKHA

17:SMTI. MHABENI W.
ASSISTANT PROFFESOR (SOCIOLOGY)
PFUTSERO GOVT. COLLEGE
PFUTSERO

18:SMTI. HOTONI YEPHTO
ASSISTANT PROFFESOR (SOCIOLOGY)
SAO CHANG COLLEGE
TUENSANG

Advocate for : Z. ZHIMOMI
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND
AND 17 ORS

Linked Case : WP(C)/198/2023

SMTI. ONENTILA LONGKUMER AND ANR.
D/O LT. MOATEMJEN OF AONUKPU VILLAGE

R/O UPPER AGRI COLONY
KOHIMA
NAGALAND

2: SMTI. LIMANENLA LONGKUMER

R/O PORTER LANE

KOHIMA
NAGALAND
VERSUS

THE STATE OF NAGALAND AND 14 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT
OF NAGALAND

2:THE COMMISSIONER AND SECRETARY

PERSONNEL AND ADMINISTRATIVE REFORM (P AND AR)
NAGALAND
KOHIMA

3:THE COMMISSIONER AND SECRETARY

DEPARTMENT OF HIGHER AND TECHNICAL EDUCATION

NAGALAND
KOHIMA

4:THE DIRECTOR

DEPARTMENT OF HIGHER EDUCATION

NAGALAND
KOHIMA

5:SMTI. VEVOTALU VERO

ASSISTANT PROFESSOR (EDUCATION)

PHEK GOVT. COLLEGE
KOHIMA

6:SMTI. M. MHONO ODYUO

ASSISTANT PROFESSOR (EDUCATION)

MT. TIYI COLLEGE
WOKHA

7:SMTI. RUOKUONUO USOU

ASSISTANT PROFESSOR (EDUCATION)

STATE COLLEGE OF TEACHER EDUCATION
KOHIMA

8:SMTI. WETE-U RITSE

ASSISTANT PROFESSOR (EDUCATION)

PHEK GOVT. COLLEGE
DIMAPUR

9:SMTI. KUPE-U MERO

ASSISTANT PROFESSOR (EDUCATION)

PHEK GOVT. COLLEGE
PHEK

10:SMTI. KEKRUNEINUO NAGI

ASSISTANT PROFESSOR (EDUCATION)

PEREN GOVT. COLLEGE
PEREN

11:SMTI. FLORENCE MAGH

ASSISTANT PROFESSOR (EDUCATION)

YINGLI COLLEGE
LONGLENG

12:SHRI ZHOVEYI VENUG

ASSISTANT PROFESSOR (EDUCATION)

ZISAJI PRESIDENCY COLLEGE
KIPHIRE

13:SHRI VETO NAKRO

ASSISTANT PROFESSOR (EDUCATION)

MT. TIYI COLLEGE
WOKHA

14:SMTI. ISIBAMLE NDANG

ASSISTANT PROFESSOR (EDUCATION)

PEREN GOVT. COLLEGE

PEREN

15:SHRI SHEKHOHU CHIZO

ASSISTANT PROFESSOR (EDUCATION)

DIMAPUR GOVT. COLLEGE
DIMAPUR

Advocate for : Z. ZHIMOMI

Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND
AND 14 ORS.

Linked Case : WP(C)/190/2023

SMTI. SUVILU VENUH
DAUGHTER OF LT. NEIWEPE VENUH
R/O ZUBZA
NAGALAND

VERSUS

THE STATE OF NAGALAND AND 11 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT
OF NAGALAND.

2:THE COMMISSIONER AND SECRETARY

PERSONNEL AND ADMINISTRATIVE REFORMS

NAGALAND
KOHIMA

3:THE COMMISSIONER AND SECRETARY

DEPARTMENT OF HIGHER AND TECHNICAL EDUCATION
NAGALAND
KOHIMA

4:THE DIRECTOR

DEPARTMENT OF HIGHER EDUCATION

NAGALAND
KOHIMA

5:SMTI. MAONGIENLA

FAZLI ALI COLLEGE
MOKOKCHUNG

6:SMTI ANISHA HIMB

ASSISTANT PROFESSOR (ENGLISH)

MT. TIYI COLLEGE
WOKHA

7:SMTI EMISENLA JAMIR

ASSISTANT PROFESSOR (ENGLISH)

PHEK GOVT. COLLEGE
PHEK

8:SMTI. KEVIRIEBEINUO KEHEI

ASSISTANT PROFESSOR (ENGLISH)

PHEK GOVT. COLLEGE
PHEK

9:DR. AVINUO KIRE

ASSISTANT PROFESSOR (ENGLISH)

KOHIMA COLLEGE
KOHIMA

10:SMTI. IMWAPANGLA IMSONG

ASSISTANT PROFESSOR (ENGLISH)

FAZL ALI COLLEGE
MOKOKCHUNG

11:SMTI. EYOVONO TASE

ASSISTANT PROFESSOR (ENGLISH)

KOHIMA SCIENCE COLLEGE JOTSOMA

12:SHRI LONGTISE SANGTAM

ASSISTANT PROFESSOR (ENGLISH)

ZISAJI PRESIDENCY COLLEGE
KIPHIRE

Advocate for : Z. ZHIMOMI
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND
AND 11 ORS.

Linked Case : WP(C)/191/2023

SMTI. KHUMDIBILA SANGTAM

D/O SHRI MUTHINGNYUBA SANGTAM

CHIMONGER VILLAGE

R/O LOWER BAYAVU
KOHIMA
NAGALAND

VERSUS

THE STATE OF NAGALAND AND 13 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT
OF NAGALAND

2:THE COMMISSIONER AND SECRETARY

PERSONNEL AND ADMINSTRATIVE REFORMS

NAGALAND
KOHIMA

3:THE COMMISSIONER AND SECRETARY

DEPARTMENT OF HIGHER AND TECHNICAL EDUCATION

NAGALAND
KOHIMA

4:THE DIRECTOR

DEPARTMENT OF HIGHER EDUCATION

NAGALAND
KOHIMA

5:SHRI NYONTHUNG NGULLY

ASSISTANT PROFESSOR (HISTORY)

FAZL ALI COLLEGE
KOHIMA

6:SHRI VANTHUNGO JAMI

ASSISTANT PROFESSOR (HISTORY)

ZISAJI PRESIDENCY COLLEGE
KIPHIRE

7:SMTI. BACHU YHOSHU

ASSISTANT PROFESSOR (HISTORY)

SAO CHANG COLLEGE
TUENSANG.

8:SMTI. TSOTALU NAKRO

ASSISTANT PROFESSOR (HISTORY)

PHEK GOVT. COLLEGE
PHEK

9:MHASILHOUNYU THOMAS SOLO

ASSISTANT PROFESSOR (HISTORY)

ZUNHEBOTO GOVT. COLLEGE
ZUNHEBOTO

10:SMTI. GRACE SEB

ASSISTANT PROFESSOR

WANGKHAO GOVT. COLLEGE
MON

11:DR. KENILO KATH

ASSISTANT PROFESSOR (HISTORY)

MOUNT TIYI COLLEGE
WOKHA

12:SHRI KILETO I. CHISHI

ASSISTANT PROFESSOR (HISTORY)

ZUNHEBOTO GOVT. COLLEGE
ZUNHEBOTO

13:SMTI. NEISENUO APON RENGMA

ASSISTANT PROFESSOR (HISTORY)

DIMAPUR GOVT. COLLEGE
KOHIMA

14:DR. J. LIMAINLA AO

ASSISTANT PROFESSOR (HISTORY)

FAZL ALI COLLEGE
KOHIMA

Advocate for : Z. ZHIMOMI
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND
AND 13 ORS.

Linked Case : WP(C)/189/2023

SHRI ACHUM NGULLIE AND ANR.
SON OF SHRI LT. JENITHUNG NGULLIE

R/O BAYAVU
KOHIMA
NAGALAND

2: SHRI LANUYANGLA
R/O KUMLONG WARD

MOKOKCHUNG
NAGALAND
VERSUS

THE STATE OF NAGALAND AND 12 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT
OF NAGALAND

2:THE COMMISSIONER AND SECRETARY

PERSONNEL AND ADMINISTRATIVE REFORMS

NAGALAND
KOHIMA

3:THE COMMISSIONER AND SECRETARY

DEPARTMENT OF HIGHER AND TECHNICAL EDUCATION
NAGALAND
KOHIMA

4:THE DIRECTOR

DEPARTMENT OF HIGHER EDUCATION

NAGALAND
KOHIMA

5:SHRI VENGOTALU VERO

ASSISTANT PROFESSOR (POLITICAL SCIENCE)

KOHIMA COLLEGE
KOHIMA

6:SHRI RONALD DIFOE

ASSISTANT PROFESSOR (POLITICAL SCIENCE)

PHEK GOVT. COLLEGE
PHEK

7:SMTI. NEIPHINUO ZATSU

ASSISTANT PROFESSOR (POLITICAL SCIENCE)

MOUNT TIYI
WOKHA

8:SHRI SEYIEZOLIE KHOUBVE

ASSISTANT PROFESSOR (POLITICAL SCIENCE)

PHEK GOVT. COLLEGE
PHEK

9:SHRI ABEL SWU

ASSISTANT PROFESSOR (POLITICAL SCIENCE)

WANGKHAO GOVT. COLLEGE
MON

10:DR. TOLI ACHUMI

ASSISTANT PROFESSOR (POLITICAL SCIENCE)

YINGLI COLLEGE
LONGLENG

11:SHRI CHANCHITHUNG KITHAN

ASSISTANT PROFESSOR (POLITICAL SCIENCE)

MOUNT TIYI COLLEGE
WOKHA

12:SHRI AGHATO SUMI

ASSISTANT PROFESSOR (POLITICAL SCIENCE)

SAO CHANG GOVT. COLLEGE
TUENSANG

13:SHRI KUTHORHOLE NYUTHE

ASSISTANT PROFESSOR (POLITICAL SCIENCE)

ZISAJI PRESIDENCY COLLEGE
KIPHIRE

Advocate for : Z. ZHIMOMI

Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND
AND 12 ORS

Linked Case : WP(C)/208/2023

SMTI. TONOLI CHISHI

D/O OF SHRI VIHOTO CHISHI

R/O I-KHEL DIPHUPAR VILLAGE
DIMAPUR

VERSUS

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

2:THE COMMISSIONER AND SECRETARY

PERSONNEL AND ADMINISTRATIVE REFORMS

NAGALAND
KOHIMA

3:THE COMMISSIONER AND SECRETARY

DEPARTMENT OF HIGHER AND TECHNICAL EDUCATION

NAGALAND
KOHIMA

4:THE DIRECTOR

DEPARTMENT OF HIGHER EDUCATION

NAGALAND
KOHIMA

5:SMTI. WABANGNARO IMCHEN

ASSISTANT PROFESSOR (PSYCHOLOGY)

PEREN GOVT. COLLEGE
PEREN
NAGALAND

Advocate for : Z. ZHIMOMI
Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND
AND 4 ORS

Linked Case : WP(C)/194/2023

SHRI TANGMONG
SON OF SHRI CHONGLIU

R/O NOKHU NOKING VILLAGE

NOKLAK
NAGALAND

VERSUS

THE STATE OF NAGALAND AND 16 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT
OF NAGALAND.

2:THE COMMISSIONER AND SECRETARY

PERSONNEL AND ADMINISTRATIVE REFORMS

NAGALAND
KOHIMA

3:THE COMMISSIONER AND SECRETARY

DEPARTMENT OF HIGHER AND TECHNICAL EDUCATION

NAGALAND
KOHIMA

4:THE DIRECTOR

DEPARTMENT OF HIGHER EDUCATION

NAGALAND
KOHIMA

5:SHRI TEMJENMEREN

ASSISTANT PROFESSOR (ECONOMICS)

PHEK GOVT. COLLEGE
DIMAPUR

6:SHRI CHUBAKUMZAK

ASSISTANT PROFESSOR (ECONOMICS)

YINGLI COLLEGE
LONGLENG

7:SMTI. LOCHUMBENI P. SHITIRI

ASSISTANT PROFESSOR (ECONOMICS)

YINGLI COLLEGE
LONGLENG

8:THEJOTALU NEINU

ASSISTANT PROFESSOR (ECONOMICS)

PHEK GOVT. COLLEGE
PHEK

9:SHRI ROLAND KIKON

ASSISTANT PROFESSOR (ECONOMICS)

MT. TIYI COLLEGE
WOKHA

10:SMTI. VERASULU KHAMO

ASSISTANT PROFESSOR (ECONOMICS)

FAZL ALI COLLEGE
MOKOKCHUNG

11:SMTI. ILINA ACHUMI

ASSISTANT PROFESSOR (ECONOMICS)

PFUTSERO GOVT. COLLEGE
PHEK

12:SHRI IMLINICHET IMCHEN

ASSISTANT PROFESSOR (ECONOMICS)

FAZL ALI COLLEGE
MOKOKCHUNG

13:SHRI HULIN

ASSISTANT PROFESSOR (ECONOMICS)

PEREN GOVT. COLLEGE
PEREN

14:SMTI. BOLIVI S. KIBA

ASSISTANT PROFESSOR (ECONOMICS)

ZUNHEBOTO GOVT. COLLEGE
ZUNHEBOTO

15:SHRI MANWANG KONYAK

ASSISTANT PROFESSOR (ECONOMICS)

WANGKHAO COLLEGE
MON

16:SMTI. B. IMNAWAPANG LONGKUMER

ASSISTANT PROFESSOR (ECONOMICS)

FAZL ALI COLLEGE
KOHIMA

17:SMTI. HULIKA ZHIMO

ASSISTANT PROFESSOR (ECONOMICS)

ZUNHEBOTO GOVT. COLLEGE
ZUNHEBOTO

Advocate for : Z. ZHIMOMI

Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND
AND 16 ORS.

Linked Case : WP(C)/195/2023

SHRI THONNIBOU ZELIANG AND ANR.
SON OF SHRI KAMBUI ZELIANG

R/O JALUKIE
PEREN
NAGALAND

2: SHRI JENNY JAMI

R/O KENUOZOU COLONY
KOHIMA
NAGALAND
VERSUS

THE STATE OF NAGALAND AND 7 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT
OF NAGALAND

2:THE COMMISSIONER AND SECRETARY

PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT

NAGALAND
KOHIMA

3:THE COMMISSIONER AND SECRETARY

DEPARTMENT OF HIGHER AND TECHNICAL EDUCATION

NAGALAND
KOHIMA

4:THE DIRECTOR

DEPARTMENT OF HIGHER EDUCATION

NAGALAND
KOHIMA

5:DR. DAVID TETSO

ASSISTANT PROFESSOR (ANTHROPOLOGY)

KOHIMA SCIENCE COLLEGE
KOHIMA

6:SMTI. SHESOTALU NAKRO

ASSISTANT PROFESSOR (ANTHROPOLOGY)

KOHIMA SCIENCE COLLEGE
KOHIMA

7:SHRI IMKUMLONG

ASSISTANT PROFESSOR (ANTHROPOLOGY)

KOHIMA SCIENCE COLLEGE
KOHIMA

8:SHSRI NOUNE TERUNO

ASSISTANT PROFESSOR (ANTHROPOLOGY)

KOHIMA SCIENCE COLLEGE
KOHIMA

Advocate for : Z. ZHIMOMI

Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND
AND 7 ORS.

Linked Case : WP(C)/193/2023

SHRI LIMTSABA T. SANGTAM AND ANR.
SON OF TSAYINGKIU OF PHULUNGRE VILLAGE

R/O SUPPLY COLONY
DIMAPUR

2: SMTI. NANGSHIENLA AIER
D/O LT. SADEMYANGER
SUNGRATSU VILLAGE
R/O HILL VIEW COLONY
DIMAPUR
VERSUS

THE STATE OF NAGALAND AND 7 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT
OF NAGALAND

2:THE COMMISSIONER AND SECRETARY
PERSONNEL AND ADMINISTRATIVE REFRMS
NAGALAND
KOHIMA

3:THE COMMISSIONER AND SECRETARY
DEPARTMENT OF HIGHER AND TECHNICAL EDUCATION
NAGALAND
KOHIMA

4:THE DIRECTOR

DEPARTMENT OF HIGHER EDUCATION
NAGALAND
KOHIMA

5:SMTI. MEDOSEN GENEVIEVE THAPO

ASSISTANT PROFESSOR (ENVIRONMENTAL SCIENCE)
KOHIMA SCIENCE COLLEGE KOHIMA
JOTSOMA.

Advocate for : Z. ZHIMOMI

Advocate for : GOVT ADV NL appearing for THE STATE OF NAGALAND
AND 7 ORS.

BEFORE

HON'BLE MRS. JUSTICE YARENJUNGLA LONGKUMER

Advocates for the petitioners	: Ms. Z. Zhimomi
Advocate for the respondents	: Mr. C.T Jamir, Sr. Adv assisted by Mr. I. Imchen, respondent Nos. 6, 8, 9, 10, 12, 13 in WP(C)/189/2023 respondent Nos.5, 8, 10 in WP(C)/190/2023 respondent Nos. 7, 8, 9, 10, 11, 12, 14 in WP(C)/191/2023 respondent Nos.8 in WP(C)/192/2023 respondent Nos.5, 6, 7, 8, 11, 12, 14, 15, 16 in WP(C)/194/2023 respondent Nos.7, 11, 12, 14, 15, 17, 18 in WP(C)/196/2023 respondent Nos.5, 6 in WP(C)/197/2023 and respondent Nos. 5, 8, 9, 11, 15 in WP(C)/198/2023 Mr. I. Jamir, respondent No. 12 in WP(C)/188/2023 Ms. Nuksungtila, respondents Nos. 5, 6, 9 in WP(C)/188/2023 respondent No. 13 in WP(C)/191/2023 respondent Nos. 6, 7 in WP(C)/192/2023 respondent No. 9 in WP(C)/196/2023 Mr. L. Iralu respondent Nos. 7, 8, 10, 11 in

WPC/188/2023
respondent Nos. 5,7, 11 in WPC/189/2023
respondent Nos. 6, 7, 9, 11 in
WPC/190/2023
respondent No. 5 in WPC/191/2023,
respondent No. 5 in WPC/193/2023,
respondent Nos. 9,10, 13 in WPC/194/2023
respondent Nos. 5,6,7, 8 in WPC/195/2023
respondent Nos. 6,8,13, 16 in
WPC/196/2023
respondent No. 7 in WPC/197/2023,
respondent Nos. 6,7,10,13, 14 in
WPC/198/2023
respondent No. 5 in WPC/208/2023
Ms. V. Suokhrie, Addl. A.G. assisted by Mr.
M. Longkumer, Govt. Adv, State respondents

Date on which judgment is reserved : 17.10.2025

Date of pronouncement of judgment : 12.11.2025

Whether the pronouncement is of
the operative part of the judgment : Full judgment.

Whether the full judgment has been
pronounced : Yes.

JUDGMENT & ORDER (CAV)

The instant batch of writ petitions being similar in nature and arising out of the same issues are being disposed of by this common judgment and order.

2. The brief facts of the petitioners case in WPC/188/2023 is that the petitioners possess the educational qualification of M.Com with NET and are eligible to appear in any competitive exam for the post of Assistant Professor Commerce. The petitioners have come before this Court challenging the appointments of the private respondent Nos. 5 to 11 as Assistant Professor allegedly through the backdoor in violation of Office Memorandum dated 07.07.1976, 26.02.2001 and 06.06.2016. These Office Memos prohibit direct recruitment without publicly inviting applications for the post and has also banned appointment on contract basis. The petitioners have therefore, come before this Court praying for a direction to quash and set aside the impugned appointment orders and the extension orders of the respondents Nos. 5 to 11. And also for a direction to requisition the 3(three) sanctioned post of Assistant Professors held by the respondent Nos. 5, 6 and 10 to the NPSC for advertisement and also to advertise the 4(four) non sanctioned post of Assistant Professors held by the respondent Nos. 7,8,9 and 11 in accordance with law.

3. In WPC/189/2023, the petitioners are Master Degree holders in Political Science with NET. In this writ petition, the petitioners have challenged the

contract appointments of the private respondents Nos.5 to 13. And similar prayers have been made as in WPC/188/2023.

4. In WPC/190/2023, the two petitioners have the qualification of MA in English with NET and they have challenged contract appointments of the private respondents Nos. 5 to 12 and similar prayers had been made on the same grounds as in the other writ petitions. Subsequently petitioner no.1 has been deleted from the array of writ petitioners by an order dated 04.10.2024.

5. In WPC/191/2023, the petitioners have the qualification of MA in History with NET and have challenged the contract appointments of respondents Nos. 5 to 14.

6. The petitioner No. 1 in WPC/192/2023, has the qualification of MA in Psychology and the petitioner No. 2 has the qualification of MA in Philosophy and both the petitioner have NET qualification. The petitioners have challenged the contract appointments of the private respondents Nos. 6, 7 and 8.

7. The petitioners in WPC/193/2023, have qualification of MA in Environmental Studies with NET qualification. The writ petitioners have challenged the contract appointment of respondent Nos.5.

8. In WPC/194/2023, the petitioners have the qualification of MA in Economics with NET. Challenge is made to the contract appointment of respondents Nos.5 to 17. Subsequently petitioner no.2 has been deleted from the array of writ petitioners.

9. In WPC/195/2023 the petitioners have qualification of MA in Anthropology with NET and are challenging the contract appointment of the private respondents Nos.5, 6, 7 and 8.

10. In WPC/96/2023, the petitioner is an MA in Sociology with NET. Petitioner has challenged the contract appointments of the Private respondents Nos.5 to 9, 11 to 18.

11. WPC/197/2023 relates to the subject of Geography wherein the petitioners have MA degree with NET in Geography. The petitioners have challenged the contract appointment of the private respondents Nos.5, 6 and 7.

12. In WPC/198/2023, the petitioners have the qualification of MA in Education with NET and M.Ed and have challenged the Contract appointments of the respondents Nos.5 to 15.

13. In WPC/208/2023, the petitioner has obtained MA degree in Philosophy with NET and is challenging the contract appointment of the private respondent Nos. 5.

14. I have learned counsel for the petitioner, Ms. Z. Zhimomi and also the learned Sr. Counsel, Mr. C.T Jamir assisted by Mr. I. Imchen, learned counsel for the private respondent Nos. 6, 8, 9, 10, 12, 13 in WP(C)/189/2023, respondent Nos. 5, 8, 10 in WP(C)/190/2023, respondents Nos. 7, 8, 9, 10, 11, 12, 14 in WP(C)/191/2023, respondent No. 8 in WP(C)/192/2023, respondents Nos. 5, 6, 7, 8, 11, 12, 14, 15, 16 in WP(C)/194/2023, respondents Nos. 7, 11, 12, 14, 15, 17, 18 in

WP(C)/196)/2023 respondents Nos. 5, 6 in WP(C)/197/2023 and respondents Nos. 5, 8, 9, 11, 15 in WP(C)/198/2023, Mr. I. Jamir, learned counsel for the respondent No. 12 in WP(C)/188/2023; as well as Mr. L. Iralu, learned counsel for the private respondents; and Ms. Nuksungtila, learned counsel for respondents Nos. 5, 6, 9 in WP(C)/188/2023, respondent No. 13 in WP(C)/191/2023, respondent Nos. 6, 7 in WP(C)/192/2023 and respondent No. 9 in WP(C)/196/2023. Learned Addl. A.G. Ms. V. Suokhrie, assisted by Mr. M. Longkumer, learned Government Advocate appears for the State respondents in WP(C)/188/2023, WP(C)/189/2023, WP/(C)190/2023, WP/(C)/191/2023, WP/(C)/192/2023, WP/(C)/193/2023, WP/(C)/194/2023, WP/(C)/195/2023, WP/(C)/196/2023, WP/(C)/197/2023, WP/(C)/198/2023 and WP/(C)/208/2023.

15. At the outset, the learned counsel for the petitioners submits that an Association known as ACAUT had filed PIL No. 11/2015 before a Division Bench of this Court challenging the contract appointments made through the backdoor in violation of Service Rules and without advertisement. It is stated that during the pendency of the PIL No. 11/2015, the State Government produced before the Court the Office Memorandum No. AR-5/ASSO/98 dated 06.06.2016 which has banned appointment on contract basis. And the State respondents had also submitted that henceforth any appointment on contract basis shall be null and void and timely vacancies shall be requisitioned to the NPSC. In view of such submission, the Court closed the PIL by an Order dated 05.08.2016 granting liberty to the petitioners to approach the Court if the O.M dated 06.06.2016 was violated by the State respondents.

16. It is the submission of the learned counsel that even after the order dated 05.06.2016 passed by this Court in PIL No. 11/2016, the State Government continued the contract appointments and therefore, the ACAUT and Public Service Aspirants Nagaland (PSAN) filed WPC 145/2017 challenging the contract appointment to 706 Posts in 32 Departments. And this Court by Judgment and Order dated 03.08.2018 dismissed the writ petition on the ground of maintainability granting liberty to the petitioners to file separate writ petitions for each of the 32 Departments while directing the State respondents not to regularize any person who had completed three years of continuous service on contract/ Ad hoc basis in terms of Office Memorandum dated 04.08.2008 and 11.08.2016.

17. Against the said Judgment and Order dated 03.08.2018 passed in WPC/145/2017, the State Government filed Writ Appeal No. 16/2018. However, the writ appeal was dismissed by an Order dated 07.02.2019.

18. Learned counsel for the petitioners submits that having no financial resources to challenge the back door appointments separately in 32 Departments, the Nagaland NET Qualified Forum (NNQF), came before this Court by filing WPC No. 12/2019 and WPC No. 65/2019 challenging the contract appointment of 208 Assistant Professors. Thereafter, by an Order dated 06.06.2022 the two writ petitions were dismissed on the issue of maintainability as in some subjects/disciplines under challenge, there were no qualified petitioners in that particular subject, and liberty was granted to the NNQF to file a fresh petition, if so advised.

19. Subsequently, 18 NNQF members filed WPC/340/2022 challenging the

backdoor appointments of 31 Assistant Professors appointed without required qualification, which is still pending before this Court.

20. Additionally, another 18 NNQF members filed WPC/119/2023 challenging the contract appointments of 57 Private respondents in different subjects. However, WPC/119/2023 was withdrawn on 05.07.2023 with liberty to file afresh and thereafter the instant batch of writ petitions has been filed.

21. Learned counsels submits that the petitioners in WPC 188/2023, WP(C)/189/2023, WP(C)/190/2023, WP(C)/191/2023, WP(C)/192/2023, WP(C)/193/2023, WP(C)/194/2023, WP(C)/195/2023, WP(C)/196/2023, WP(C)/197/2023, WP(C)/198/2023 and WP(C)/208/2023 are all qualified in their respective subjects with NET qualification and eligible to appear in competitive exams as and when the post of Assistant Professor in their respective subjects is advertised through the NPSC or any other mode of advertisement made by the department of higher education. It is submitted that in order to regulate recruitment and appointments the State Government has been issuing various circulars, i.e. Office Memorandum No. AR/8/74 dated 07.07.1976 and Office Memorandum No. AR/5/ASSO/98(C) dated 26.02.2001 prohibiting direct recruitment without publicly inviting applications for the post.

22. It is submitted that in spite of the aforementioned Office memorandums and the land mark judgment passed by the Hon'ble Supreme Court in ***State of Karnataka Vs. Uma Devi (3)*** reported in ***(2006)4 SCC 1***, the State respondents continue to make contract

appointments through the backdoor. In this connection, the PN&R Department further issued O.M No. PAR-B/3/2005 (Pt) dated 21.07.2011 directing all departments to requisition all posts carrying a scale of pay of Rs. 5200/- - 20,200/- with grade pay of Rs. 2800/- and above to the NPSC for advertisement.

23. Learned counsel further submits that in spite of the aforementioned Office Memorandums including the O.M dated 06.06.2016 banning appointment on contract basis the respondents have appointed about 94 Assistant Professors on contract basis through the backdoor including the private respondents in the present batch of writ petitions.

24. Learned counsel for the petitioners submits that all the private respondents were appointed after the land mark judgment of *Uma Devi (Supra)* where it has been declared that any appointment, if made in violation of the Constitutional Scheme of Article 14 and 16 of the Constitution of India would be rendered illegal and void and therefore the appointment of the private respondents as Assistant Professors without following the due process of law is illegal and void. It is stated that the law is well settled that any appointment made without issuing advertisements inviting applications from eligible candidates and without holding selection process where all eligible candidates get a fair chance to compete, violates the fundamental rights of meritorious persons and for that matter all eligible candidates who without advertisement were unaware of the sanctioned, non-sanctioned vacancies arising in the department of higher education and have missed the opportunities to apply for the post of Assistant professors. It is also submitted that the

private respondents have no substantive right to the post held by them and those who come through the back door should also go through that door. It is also submitted that the appointment of the private respondents is made in violation of the various Office Memorandums dated 07.07.1976, 26.02.2001, 21.07.2011 and 06.06.2016 and therefore the posts held by the private respondents have to be requisitioned to the NPSC for direct recruitment as prescribed by law. Further even if fixed pay/contract/ad-hoc/temporary appointment is to be made as stop gap arrangement in administrative exigency, the positions held by the private respondents must be advertised so that all qualified candidates can participate in an open recruitment in a fair and transparent manner and the best among the candidates can be appointed.

25. Learned counsel for the petitioner further submits that the appointment orders of all the private respondents are only for a period of 1 year initially. However their appointments have been extended from time to time and they are continuing in the illegal appointment till date. It is therefore submitted that there is a continuing cause of action due to the extension given to the private respondents year after year and therefore even a recently qualified NET candidate can challenge the appointment of the private respondents. And every day the petitioner's fundamental rights are being violated and therefore, the petitioners have the locus standi to challenge the appointment orders and the extension orders of the private respondents.

26. The petitioners rely on Rule 8 of the Higher Education service Rules 2003, wherein the method of recruitment for the post of lecturer is

by direct recruitment through advertisement by the NPSC. Even in the Nagaland Higher Education Service Rules of 2015 a similar provision is made in Rule 6 wherein it is stated that the method of recruitment to the post of Assistant Professor is by direct recruitment through advertisement by the NPSC. The learned counsel for the petitioner has also drawn the attention of this Court to the recruitment and qualification provisions in the UGC regulations of 30.06.2010 and 18.07.2018 wherein it is provided that NET/SLET/SET shall remain the minimum eligibility condition for recruitment and appointment of Assistant Professors in Universities/colleges/Institutions. It is also provided in the UGC Regulations that appointment on contract basis can be made only when it is absolutely necessary and when the students-teacher ratio does not satisfy the laid down norms. In any case the nos. of such appointment should not exceed 10% of the total No. of faculty positions in a collage/university. It is further provided that the qualifications and selection procedures for appointing them should be the same as those applicable to a regularly appointed teacher. The fixed emoluments paid to such contract teacher should not be less than the monthly gross salary of a regularly appointed Assistant Professor. Such appointment should not be made initially, for more than one academic session. And the performance of such teacher should be reviewed for academic performance before re-appointing him/her on contract basis for another session. Such appointment on contract basis may also be resorted to when absolutely necessary to fill vacancies arising due to maternity leave, child care leave etc. Learned counsel therefore submits that according to the UGC regulations it is mandated that the qualification and selection procedure

even for contract appointment should be the same as those applicable to regularly appointed teachers. Hence, in the present writ petitions, the UGC regulations have also been violated. Learned counsel submits that even for filling up deputation vacancy, or maternity leave vacancy on contract basis, the same has to be advertised. In view of the above submissions, learned counsel for the petitioners prays that the impugned Appointment Orders of the private respondents and the impugned extension orders may be quashed and set aside and the State respondents may be directed to requisition the sanctioned post of Assistant Professors held by the private respondent to the NPSC for advertisement and also to advertise the non sanctioned posts held by the private respondents for appointment on contract basis.

27. Learned Additional Advocate General, Ms. V. Suokhrie appears on behalf of the State respondent Nos. 1, 2, 3 and 4. Learned Addl. A.G submits that the private respondents have not been appointed against sanctioned posts and any vacant sanctioned post on account of retirement etc have all been requisitioned to the NPSC for advertisement. The State respondents have annexed copies of the newspaper advertisements made in 2013, 2015, 2016 and 2022 as Annexure-1 series in the affidavit-in-opposition.

28. Learned Addl. AG submits that in all the Government colleges in Nagaland there is a short fall of teachers in different subjects due to non creation of posts by the government. The Govt. has not created any posts of Assistant Professor since 2017. As there were no sanctioned posts the Department of Higher Education had to approach the Government for

approval to appoint candidates who had applied for appointment as Assistant professors. On the approval of the government the Department of higher education has recruited the private respondents on fixed pay. The private respondents have accepted their appointments on the terms and conditions laid down by the government and were willing to offer their services on a meagre fixed pay purely on temporary basis liable to be terminated as and when the Government pleases. The appointment of the private respondents on contract basis under the Higher Education department was made due to exigency of service as not having teachers in a particular subject may create practical difficulties and directly affect the students' careers.

29. Learned Additional AG further submits that the Department of Higher Education has not violated any of the office memorandums as alleged by the petitioners as the temporary appointments of the private respondents were not made against any sanctioned posts but they were appointed to meet immediate emergency requirement in terms of the UGC Regulations for making contract appointments.

30. Learned Additional AG submits that as on date there are 491 regular Assistant Professors and 145 fixed pay Assistant Professors in 15 Government colleges in the State of Nagaland. In the two Colleges of Teacher' Education there are 33 regular Assistant Professors and 5 fixed pay Assistant Professors. It is also stated that the any sanctioned post which became vacant have been requisitioned to the NPSC and during the process of recruitment, the fixed pay Assistant Professor's services have been extended on exigency basis since there is shortage of teachers in

almost all the Government colleges. For the colleges permanently affiliated to the Nagaland University the Nagaland University has issued the Regulations of 2021 for introduction of PG program. As per Regulation 12A of the Nagaland University Regulation 2021, there has to be at least 10 teachers, 5 for UG and 5 For PG in the Science Stream and at least 8 teachers, 4 for UG and 4 for PG in the other streams. This requirement was met by appointing the private respondents on fixed pay. Moreover, the payment of remuneration to the private respondents are paid under the category of wages, not salary and not as per the UGC Regulations or the Service Rules.

31. Learned Additional A.G, therefore, submits that all available vacant posts of Assistant Professors has already been requisitioned and advertised over the years starting from 2013 to 2022 and there can be no advertisement at present as the private respondents are not holding sanctioned posts.

32. Learned Additional A.G also submits that violation of the office memorandums regarding direct recruitment and submission of requisition to the NPSC is only relevant in respect of contract appointment made without advertisement against sanctioned substantive posts. Learned Additional A.G, therefore submits that the prayers made in the writ petitions are misplaced and no such directions as prayed for in the writ petitions can be issued by this court as the respondents were not engaged against substantive sanctioned vacancies.

33. Learned Senior counsel, Mr. C.T Jamir appears for respondent Nos.

6,8, 9,10,12, 13 in WPC/189/2023, respondent Nos. 5, 8, 10 in WPC/190/2023, respondent Nos. 7, 8, 9, 10, 11, 12, 14 in WPC/191/2023, respondent Nos. 8 in WPC/192/2023, respondent Nos. 5,6,7,8,11,12,14,15, 16 in WPC/194/2023, respondent Nos. 7,11,12,14,15,17, 18 in WPC/196/2023, respondents Nos. 5 and 6 in WPC/197/2023 and respondent Nos. 5,8,9,11 and 15 in WPC/198/2023.

34. Learned Senior Counsel States that this is the third round of litigation on the same subject matter wherein the private respondents have been impleaded by the petitioner as party respondents. In the previous writ petitions the writ petition filed by the petitioner has been dismissed on the ground of maintainability as there were no petitioners with requisite qualification in certain subjects but they had challenged the appointment of the private respondents who had the requisite qualification in that particular subject. The said writ petitions were withdrawn with liberty to file afresh. However even in the present petitions, there are different causes of actions in as much as some of the private respondents are appointed in pursuance of an advertisement and some of the private respondents are appointed before 06.06.2016, some of them have obtained the NET qualification before the petitioners, some of the are appointed against sanctioned posts which were later advertised and all of them against non sanctioned post. However, the petitioner in a single writ petition has assailed the appointment orders of differently situated private respondents and such a writ petition cannot be entertained by this Court.

35. Learned Sr. Counsel submits that the petitioner has filed the instant

batch of writ petitions relying on *Uma Devi's* case holding that public posts have to be advertised before being filled up. However, learned counsel submits that the facts and circumstances in the present writ petitions can be differentiated from the facts of the *Uma Devi* Case. It is also submitted that the judgments relied upon by the petitioner has laid down certain general principles that even for temporary appointments advertisement has to be made but the cited cases relate to temporary appointment in substantive sanctioned posts. The facts of the cases relied upon by the petitioners are therefore different from the instant writ petitions and therefore they cannot be beneficial to the petitioner's case.

36. Learned Sr. counsel states that in the case of ***State of Jammu and Kashmir Vs. District Bar Association Bandipora*** reported in (**2017**) **3SCC 410** the Supreme Court has reaffirmed the *Uma Devi* judgment but made some significant clarifications. The *Bandipora* judgment reminded the State that it cannot exploit workers for years under the guise of daily wage and simultaneously take the shelter of *Uma Devi*. What emerges is that while the courts cannot order automatic regularization, the State cannot remain inert either.

37. Learned Sr. Counsel submits that in WPC/189/2023 when the private respondents were appointed on contract basis only one of the petitioners had qualified the NET exam. Respondents 6, 8, 9, 10 and 12 were appointed prior to the issuance of O.M dated 06.06.2016. Only Respondent 13 was appointed after the O.M was issued. Respondent No. 6 in WPC/189/2023 was appointed in pursuance of an advertisement No.HTE/HE-APPTT/3-3/2009 dated 12.08.2011. He appeared for the same

and was appointed on contract basis on 31.10.2011 on the recommendation of the Selection Committee. It is stated that the respondents 8, 9, 10, 12 and 13 were appointed on need basis purely on exigency of service as the subjects were already introduced in the curriculum in the colleges but there were no posts and no teachers which would have deprived the students.

38. Respondent 6 had qualified the NET exam in December, 2008, the respondent No. 8 also qualified the NET exam and obtained a PHD degree in August 2013. The respondent No. 9 qualified the NET exam in June 2009, the respondent No. 12 in June 2008 and the respondent 13 in Dec 2008. The respondent no. 10 obtained the PHD degree in 2011. It is stated that the petitioner No. 1 qualified the NET exam only on 10.11.2014 and the petitioner No. 2 qualified the NET exam on 31.07.2018. It is further stated that the respondent No. 6 was appointed on 31.10.2011, respondent No. 8 on 03.06.2014, the respondent No. 7 on 15.07.2014, the respondent No. 10 on 03.09.2014, the respondent No. 12 on 12.01.2016 and the respondent No. 13 on 23.11.2016. The private respondents are all appointed on fixed pay and presently they are drawing a fixed wage of Rs. 30,000/- per month. Leaner Sr. counsel submits that since the petitioner No. 1 obtained the NET qualification only on 10.11.2014, the petitioner No. 1 can only question/assail the appointment of respondent Nos. 12 and 13 at best. And petitioner No. 2 having qualified the NET exam only in 2018 cannot challenge the appointments of any of the respondents as on the day when the private respondents were appointed the petitioner No. 2 was not even having the qualification of NET. Learned senior counsel further submits that as the respondent

Nos. 8,9,10,12 and 13 are not appointed against any sanctioned post, the prayer of the petitioner to advertise the post held by them is not a valid prayer. The petitioners have not filed any reply to the counter affidavit of the respondents.

39. In WPC/190/2023 learned Sr. Counsel submits that the petitioner obtained the NET qualification only in 2019 whereas the respondent Nos. 5, 8 and 10 were already appointed on 22.04.2008, 16.07.2014, and 11.05.2017 respectively. Therefore the petitioner does not have any locus to challenge the appointment of the respondents Nos. 5, 8 and 10. More over it is submitted that the respondent Nos. 5, 8 and 10 were not occupying any sanctioned post. The petitioner has not filed any reply to the counter affidavit of the respondents.

40. Learned Sr. Counsel has submitted that in WPC/191/2023, the petitioner had qualified the NET exam only on 12.07.2019, whereas the respondent No. 7 was appointed on 18.06.2013, respondent No. 8 was appointed on 13.08.2013, respondent No. 9 was appointed on 20.12.2013, respondent No. 10 was appointed on 06.04.2016, respondent No.11 was appointed on 04.08.2016, respondent No. 12 was appointed on 30.08.2016 and the respondent No. 12 was appointed on 07.08.2018. It is therefore submitted that the respondents Nos. 7,8,9,10,11,12 and 14 were not only appointed without post but they were also appointed before the petitioner became qualified and eligible. The petitioner has not filed any reply to the counter affidavit of the respondents.

41. In WPC/192/2023 it is submitted that the respondent No. 8 qualified

for the NET exam in the year 2009 and she was appointed without a sanctioned post on 15.03.2016, whereas the petitioner No. 1 obtained the NET qualification only on 02.01.2018 and the petitioner No. 2 on 30.11.2020. The petitioners have not filed any reply to the counter affidavit of the respondents.

42. Learned Sr. counsel submits that in WPC/194/2023, the petitioner No. 1 obtained NET qualification on 31.12.2019. Except for respondent No. 16 who was appointed on 27.09.2018 the respondents Nos. 5, 6, 7, 8, 11, 12, 14 and 15 were appointed on contract basis without sanctioned posts before the petitioners became eligible for appointment. In fact petitioner No. 1 became eligible only on 31.12.2019 and therefore he does not have the locus to assail the appointments of any of the private respondents Nos. 5,6,7,8,11,12,14,15 or 16. The petitioner has not filed any reply to the counter affidavit of the respondents.

43. In WPC/196/2023 it is submitted that the private respondents Nos. 7,11,12,14,17 and 18 have been appointed on contract basis without sanctioned posts on 12.11.2015, 14.07.2016, 24.08.2016, 06.10.2016, 14.12.2017 respectively. Whereas the petitioner obtained the NET qualification only on 02.01.2018 and therefore he has no locus to question the appointment of the respondents nor did he have the qualification to apply for the same at that point of time. Moreover the respondent No. 15 is a deputationist who had been deputed from the department of Economics and Statistics on 20.08.2013. The petitioner has not filed any reply to the counter affidavit of the respondents.

44. In WPC/197/2023, it is stated that the respondents Nos. 5 and 6 were appointed on 06.06.2012 and 24.10.2013 respectively on contract basis without sanctioned post. The petitioner No. 1 qualified the NET exam on 29.09.2015 and the petitioner No. 2 qualified on 05.01.2019. Therefore the petitioners were not qualified or eligible when the respondents Nos. 5 and 6 were appointed. The petitioner has not filed any reply to the counter affidavit of the respondents.

45. In WPC/198/2023, learned Sr. counsel states that the respondent Nos. 5,8,9,11, and 15 were appointed on contract basis without sanction post much before the petitioners became eligible and qualified for the same as both the petitioners qualified the NET exam only on 31.12.2019. The petitioners have not filed any reply to the counter affidavit of the respondents.

46. Learned Sr. Counsel submits that in view of the statements and contentions made herein above it can be seen that there are many discrepancies in the writ petitions and this Court needs to dismiss the same on the issue of maintainability in as much as most of the petitioners were not eligible and qualified at the time when the private respondents were appointed on contract basis. It is also stated that most of the private respondents were appointed before 06.06.2016, i.e. before the ban on contract appointment. Moreover the private respondents have all been appointed on fixed pay without sanctioned posts. It is submitted that the private respondents have been appointed over a period of time ranging from 2008 to 2019 and therefore the present writ petitions may be dismissed even on the ground of delay as the writ petitions were filed in

2023 and thereby the inordinate and unexplained delay has not been explained by the petitioners. Learned Sr. counsel has relied on the Case of ***Ayaaub Khan Noor Khan Pathan Vs. State of Maharashtra and Others*** reported ***in (2013) 4 SCC 465***.

47. Learned Sr. counsel submits that in the case of *Ayaaub Khan (Supra)*, the Supreme Court had clarified that it is a settled legal proposition that a stranger cannot be permitted to meddle in any proceeding, unless he satisfies the authority/court that he falls within the category of aggrieved person. Only a person who has suffered, or suffers from legal injury can challenge the act/action/order, etc, in a court of law. The Supreme Court further held that an applicant before the high court could not challenge the appointment of a person if she herself could not have been selected even if the appointment of the other person was quashed. The Apex Court held that the appointment having been challenged at a belated stage, the petition should have been rejected by the High Court on the ground of delay and non maintainability alone. Learned counsel states that in the instant case the private respondents are receiving a fixed pay of Rs. 30,000/- per month and most of them have been serving on contract basis for more than 10 years. It has been reiterated that there are different causes of action and in a single writ petition this Court cannot adjudicate the matter and therefore the petitions need to be dismissed on this ground alone.

48. Learned counsel, Mr. L. Iralu appears for respondent No. 7, 8, 10 and 11 in WPC/188/2023, respondents Nos. 5,7 and 11 in WPC/189/2023, respondent No. 6,7, 9 and 11 in WPC/190/2023, respondent No. 5 in

WPC/191/2023, respondent No. 5 in WPC/193/2023, respondent No. 9,10 and 13 in WPC/194/2023, respondent No. 5,6,7 and 8 in WPC/195/2023, respondent Nos. 6,8,13 and 16 in WPC/196/2023, respondent No. 7 in WPC/197/2023, respondent Nos. 6,7,10,13, and 14 in WPC/198/2023, respondent No. 5 in WPC/208/2023.

49. Learned Counsel, Mr. L. Iralu has also adopted the submissions made by learned Sr. counsel, Mr. C.T. Jamir as far as the delay in filling of the writ petitions and the locus standi of the petitioners are concerned.

50. Learned counsel states that in WPC/188/2023 the respondents 7,8,10, and 11 were appointed in the years 2016 and 2018, whereas the petitioners became qualified and eligible for appointment as Assistant professor only on 11.04.2016 and 12.07.2019. It is stated that the appointments of the respondents Nos. 7,8,10 and 11 are being challenged after five to seven years without any explanation for the delay. It is also submitted that the State govt. had taken a decision in the year 2016 for interim engagement of teacher for newly introduced subjects, sociology, psychology and commerce in government colleges by having a selection through a suitability test to be conducted on 1st July 2016. Accordingly Notice was published in the office of the Director of Higher Education. In response the respondent Nos.7 and 8 applied for the same and they were selected and appointed on fixed pay as Assistant professor. Learned counsel further submits that it is completely misconceived on the part of the two petitioners to challenge the appointment of 7 Assistant professors in this case as they are espousing the cause of 5 other persons who are not before this Court. And such an exercise cannot be permissible in

service jurisprudence.

51. In WPC/189/2023 it is stated that respondents Nos. 5,7 and 11 have been appointed in 2010, 2013 and 2015 respectively. And their appointments are being challenged by the petitioners after 8,10 and 13 years respectively without any explanation for the delay. The petitioners Nos. 1 qualified the NET exam only on 10.11.2014 and petitioner 2 on 31.07.2018. And therefore they have challenged the appointments of the respondents Nos. 5, 7 and 11 only after they qualified the NET exam and therefore they have no locus standi. It is stated that the petitioners have also not assailed the Notification dated 04.07.2023 by which the services of the private respondents have been extended. Learned counsel further submits that it is completely misconceived on the part of the two petitioners to challenge the appointment of 9 Assistant professors in this case as they are espousing the cause of 7 other persons who are not before this Court.

52. In WPC/190/2023 it is stated that the first appointment of the respondent No. 6 was made on 07.09.2010 against a sanctioned post which was later requisitioned and advertised. Respondent No. 6 was again appointed on 12.08.2015 as Asst Professor at SCTE Kohima. The appointment order dated 12.08.2015 is not challenged in the writ petition. The appointment order which has been assailed by the petitioners is of 30.04.2013 which is not valid anymore as that appointment has been terminated. Therefore, the cause of action against the respondent 6 no longer exists. It is stated that respondent No. 7,9 and 11 were appointed in 2013, 2016 and 2017 respectively. Whereas the petitioner No. 1

qualified for NET only on 12.07.2019 and petitioner No. 2 on 05.01.2019. Moreover, the respondent No. 9 has already resigned. In this writ petition also 2 petitioners are challenging the appointments of 8 Asst Professors and hence they are espousing the cause of 6 other persons who are not before this Court.

53. In WPC/191/2023 it is submitted that respondent No. 5 was appointed on 31.10.2011 and the petitioner qualified for NET only on 12.07.2019. In this case there was an advertisement vide Notification No.HTE/HE-APPTT/3-3/2009 dated 12.08.2011 issued by the Department of Higher education calling for eligible candidates to appear for a walk-in interview for contract/casual appointment as Asst Professor. Respondent No. 5 was appointed in pursuance of the said advertisement after being selected. Therefore, the petitioners cannot allege that respondent 5 was appointed without advertisement.

54. In WPC/193/2023 the respondent No. 5 was appointed on 10.11.2017 whereas the petitioner No. 1 and 2 qualified for NET only in 2021 and 2022. Therefore, the petitioners have no locus to challenge the appointment of respondent 5. The appointment of the respondent No. 5 has been challenged after six years without any explanation for the delay.

55. In WPC/194/2023, the respondent Nos. 9,10 and 11 were appointed on 04.07.2014, 31.07.2014 and 09.12.2015 respectively whereas the petitioner No. 1 qualified for NET only on 31.12.2019. Therefore, the petitioner has no locus to challenge the appointment of the respondents. Moreover the appointment of the respondent no. 9,10 and 11 is being

challenged after eight to nine years without any explanation for the delay. In this writ petition also one petitioner is challenging the appointments of 13 Asst Professors and hence he is espousing the cause of 12 other persons who are not before this Court.

56. In WPC/195/2023 the respondent Nos. 5,6,7 and 8 were appointed on 06.11.2012, 20.09.2014, 29.02.2016 and 10.05.2016 respectively, whereas the petitioner No. 1 qualified for NET only on 05.01.2019. Therefore, the petitioner no.1 has no locus to challenge the appointment of the respondents. It is stated that petitioner no.1 was an undergraduate student of the respondent 5. Petitioner No. 2 obtained NET on 15.06.2012. However, the petitioners are challenging the appointment of the respondent Nos. 5,6,7 and 8 after 7years, 9 years and 11 years respectively without any explanation for the delay. It is submitted that the writ petition is not maintainable in the present form. In this writ petition also two petitioners are challenging the appointments of 4 Asst Professors and hence they are espousing the cause of 2 other persons who are not before this Court.

57. In WPC/196/2023, the respondent Nos. 6, 8,13 and 16 were appointed on 02.06.2014, 14.07.2016, 24.08.2016 and 03.11.2017 respectively whereas the petitioner qualified for NET only on 02.01.2018 and is now challenging the appointment orders of the respondent after 6 to 9 years without any explanation for the delay. In this writ petition also the lone petitioner is challenging the appointments of 14 Asst Professors and hence she is espousing the cause of 13 other persons who are not before this Court. It is also submitted that the State govt. had taken a

decision in the year 2016 for interim engagement of teacher for newly introduced subjects, sociology, psychology and commerce in government colleges by having a selection through a suitability test to be conducted on 1st July 2016. Accordingly Notice was published in the office of the Director of Higher Education. In response the respondent 8 and 13 applied for the same and they were selected and appointed on fixed pay as Assistant professor. Thus, all the respondents are not similarly situated. But the petitioner has clubbed up all the respondents together in one writ petition and such a petition cannot be entertained by this court.

58. In WPC/197/2023 the respondent No. 7 was appointed on 04.03.2014 whereas the petitioner No. 1 qualified for NET only on 29.09.2015 and the petitioner No. 2 on 05.01.2019. Therefore, the petitioners have no locus to challenge the appointment of the respondent 7. The appointment of the respondent No. 7 is being challenged after 9 years without any explanation for the delay.

59. In WPC/198/2023 the respondents no. 6,7,10 13 and 14 were appointed in 2012, 2014 and 2016 respectively whereas the petitioners qualified for NET only in 2019. Therefore, the petitioners have no locus to challenge the appointment of the respondents. The appointment of the respondents is being challenged by the writ petitioners after 7 to 11 years without any explanation for the delay. Learned counsel has submitted that both the petitioners did not possess the B.Ed degree when respondent No. 7 was appointed in 2014 at the SCTE.

60. In WPC/208/2023, the respondent No. 5 was appointed on

06.06.2013 whereas the petitioner qualified for NET only on 30.11.2020. Therefore, the petitioner has no locus to challenge the appointment of the respondent. The appointment of the respondent No. 5 is being challenged after 10 years without any explanation for the delay. Moreover, it is submitted that the petitioner has filed another writ petition being WPC 192/2023 challenging the contractual appointment of 4 other Assistant professors. By filing two writ petitions the petitioner is challenging the appointments of 5 persons whereas she can claim appointment only against one position of Assistant professor.

61. Learned counsel, Mr. L. Iralu submits that the services of the private respondents have been extended from time to time and they have now being serving for 10 to 15 years. The State respondents have categorically contended in their affidavit that none of the private respondents are serving against sanctioned posts and the petitioners have not controverted the same by filing affidavit-in-reply. Learned counsel submits that the case of *Uma Devi (Supra)* is not applicable in the present case as in the case of *Uma Devi* the Supreme Court laid down the constitutional principles regarding public employment and regularization of irregular or temporary appointees against sanctioned posts. The difference in the facts is that the private respondents in the present writ petitions have been engaged purely as stopgap or contingency arrangements as there were no sanctioned posts. Ld counsel relies on paragraph 12 of the *Uma devi* case wherein the Supreme court held that in spite of the constitutional scheme," *there may be occasions when the sovereign State or its instrumentalities will have to employ persons in posts which are temporary, on daily wages, as additional hands.....this right of the*

Union or of the State government cannot but be recognized and there is nothing in the Constitution which prohibits such engaging of persons temporarily or on daily wages to meet the needs of the situation”.

62. Learned counsel, Mr. L. Iralu further submits that the UGC Regulations or the Higher education service Rules does not govern the private respondents. Their appointments are not regulated by any rules or regulations as they are merely fixed pay employees without sanctioned posts drawing a meagre wages of Rs. 30,000/- per month. Therefore, the prayer of the petitioner for a direction to requisition and advertise the posts held by the private respondents is misplaced as there are no posts. In view of the submissions, learned counsel prays that the present writ petitions may be dismissed on the ground of maintainability alone.

63. Learned counsel, Ms. Nuksungtila appears for the respondent Nos. 5,6 and 9 in WPC 188/2023, respondents Nos. 13 in WPC/191/2023, respondents Nos. 6 and 7 in WPC/192/2023 and respondents Nos. 9 in WPC/196/2023. Learned counsel has also adopted the submission made by the learned senior counsel Mr. C.T. Jamir with regard to locus standi of the petitioners and the delay in filing the writ petitions. She has also reiterated that the respondents are all appointed without sanctioned posts and serving as Assistant professors on fixed pay.

64. In WPC/188/2023 learned counsel submits that the respondents Nos. 5,6 and 9 were appointed on 04.02.2011, 07.06.2016 and 24.08.2016 respectively. It is stated that the petitioner No. 2 qualified for NET only on 12.07.2019. And therefore he has no locus to challenge the appointments

of the respondents Nos. 5, 6 and 9 who were appointed before petitioner 2 became eligible to apply for the appointment. The challenge to the appointment of the respondents Nos.6 and 9 could have been assailed only by the petitioner No. 1 who qualified for NET on 11.04.2016 and that too only in respect of respondents Nos. 6 and 9 but then even further extension orders have not been assailed except one order. It is further stated that respondent No. 5 had been appointed in 2011 when the Higher Education Service Rules 2003 were in force and NET qualification was not a requisite qualification for appointment, however he has now qualified for NET. Respondent 5 has already appeared for a screening test for regularization of his service and he is awaiting the regularization order. The respondent No. 6 was appointed against a deputation vacancy and when the deputation period of the incumbent expired, respondent No. 6 was again re-deployed to another college and a fresh re-deployment order was issued by an order No.HTE/HE/13-7/2021/459 dated 12.05.2025 and the same has not been challenged. It is also submitted that respondent No. 9 had appeared for a suitability test pursuant to an advertisement no.HED/DIR-1/2015-16 dated 29.06.2016 and she was selected on merit and appointed. Therefore, the petitioners could not have challenged the appointments of all the respondents in a single writ petition as they are not similarly situated.

65. In WPC/191/2023 it is submitted that respondent No. 13 was appointed on 24.05.2017 whereas the petitioner qualified for NET only on 12.07.2019. Therefore the petitioner was not qualified and eligible on the day when the respondent No. 13 was appointed and has no locus to challenge the appointment of the respondent 13.

66. In WPC/192/2023 learned counsel submits that the petitioner No. 2 was not qualified or eligible when respondents Nos. 6 and 7 were appointed. It is also submitted that the petitioner No. 2 has the qualification of MA in philosophy whereas the respondent No. 6 has an MA degree in Psychology. Therefore, in respect of respondent No.6 even the subject is different from petitioner No.2. Further respondent 6 had appeared for suitability test pursuant to an advertisement no.HED/DIR-1/2015-16 dated 29.06.2016 and she was selected on merit and appointed. The respondent No. 7 also has a doctorate in philosophy whereas the petitioner No. 1 has the qualification of M.Sc psychology and hence they are from different subjects and the petitioner No. 1 could not have challenged the appointment of respondent No. 7. Therefore the petitioners have no locus to challenge the appointment of the respondents.

67. In WPC/196/2023 the respondent No. 9 appeared for a suitability test in pursuance of advertisement No.HED/DIR-1/2015-16 dated 29.06.2016 and after going through a selection process was recommended and appointed on 14.07.2016 after being placed at Sl. 2 in the select list for the subject of sociology. Whereas the petitioner obtained MA sociology qualification on 08.08.2017 and qualified for NET only on 02.01.2018 and therefore the petitioner has no locus to challenge the appointment of respondent No. 9.

68. The Court has considered the submissions of the learned counsel for the parties and perused the pleadings as well as the authorities relied upon.

69. It is not disputed that appointment to public posts must ordinarily be

made against sanctioned vacancies through transparent process of selection, consistent with Article 14 and 16 of the Constitution. The Hon'ble Supreme Court in the case of ***State of Karnataka Vrs. Uma Devi (3)*** reported in **(2006)4 SCC 1** has laid down this principle. However, paragraph 53 of the Uma Devi Judgment provides a one-time exception to the general rule against regularizing irregular appointments, allowing for the regularization of irregularly appointed employees who were duly qualified, had worked for at least 10 years in sanctioned posts and did so without the protection of Court's orders. These exceptions were meant to be considered as a one-time measure within a 6 month period following the judgment. The key conditions were that the appointment was to be "irregular and not illegal", the person had to be qualified, the post was to be a sanctioned one and the service was to be continuous for ten years before the judgment date.

70. A perusal of the appointment orders of the respondents in the present batch of writ petitions reveals that all the private respondents have been engaged on contractual basis on payment of fixed and consolidated remuneration, for a specific period, some of them have been engaged against deputation vacancy on fixed pay, some are engaged against retirement vacancy awaiting recruitment through the NPSC on fixed pay, some are appointments made after appearing for a selection process in terms of a departmental advertisement. What is common is that all the respondents were engaged on temporary basis on fixed pay without substantive sanctioned posts and are purely stop gap or contingency arrangements. There were no sanctioned posts but due to certain regulations issued by the Nagaland University for introduction of

PG Program in all Government Colleges, the appointment of the private respondents were made to meet emergent academic necessities so that students will not suffer. It has already been contended by the State respondent in their affidavit that all vacant sanctioned posts of Assistant Professors has been requisitioned to the NPSC in 2003, 2015, 2016 and 2022. It has also been contended by the State respondents that non-sanctioned post cannot be requisitioned to the NPSC since there is no post.

71. The learned counsel for the petitioners has submitted that the petitioners are not challenging the educational qualifications or eligibility of the private respondents. It is an admitted fact that all the private respondents possess the requisite qualifications for appointment as lecturers/Assistant professors.

72. At this juncture, the court will examine the question of maintainability of the writ petitions as this ground has been raised by all the private respondents. The Court has observed that except one or two most of the petitioners were not qualified and eligible to be appointed as lecturer/Assistant professors at the time when most of the private respondents were engaged on fixed pay. In the case of ***B. SRINIVASA REDDY Vrs. KARNATAKA URBAN WATER SUPPLY & DRAINAGE BOARD EMPLOYEES' ASSOCIATION & OTHERS***, reported in ***(2006) 11 SCC 731 (II)***, the Apex Court held that a writ of certiorari cannot be issued at the behest of a person who himself is not qualified. In a single writ petition, some petitioners were qualified and eligible on the date when the private respondents were appointed but in the same writ petition some petitioners were not qualified when the private respondents

were appointed. In another writ petition one of the petitioners has challenged the appointment of a private respondent who was appointed in a different subject altogether, additionally some respondents were appointed after facing selection process. Hence, single writ petitions have been filed with different causes of action.

73. The petitioners have also not filed any reply to the affidavits filed by the respondents which would imply that the statements made in the counter affidavits are not controverted. The respondents have stated in their counter affidavits that their services have been extended from time to time since their first appointment. However the extension orders which were issued after the petitioners became eligible have neither been brought on record nor challenged except one extension order No.HTE/HE/13-3/2020 dated 04.07.2022. The notification dated 04.07.2023 by which the services of the private respondents were extended is not under challenge. The latest extension order of the private respondents vides No.HTE/HE/13-3/2020 (pt-1) dated 17.07.2025 is also not assailed. Further, some of the respondents have been appointed after facing a departmental selection process but they have been clubbed together with other respondents who did not go through a selection process. The parties to a case are bound by their pleadings and particularly in a writ proceeding pleadings are important as the dispute has to be decided on the basis of the affidavits filed by the parties. The discrepancies in the petition render the writ petition defective and not maintainable.

74. The Court requires a single cause of action or related cause of action

for each petition and further all the petitioners should possess the locus standi to sustain the challenge to the appointment of the private respondents. If a petition contains several, different and distinct causes of action, the petition cannot be maintainable when the causes of action are different. Separate writ petitions have to be filed in order to prevent judicial inefficiency and confusion. If one or some of the writ petitioners lack locus, the petition is liable to be dismissed.

75. In view of the above reasons this Court is of the view that, the writ petition is not maintainable in the present form and there is no scope to enter into the merits of the case. The writ petition is therefore dismissed on the ground of maintainability and *locus standi*. However, the petitioners are given liberty to file appropriate and separate writ petitions in accordance with law if so advised. Before parting with the records, this Court has taken note of the fact that interim engagements are being continued till date. It is expected that such contract/interim arrangements should not continue indefinitely and the state respondents should take a call in the matter with regard to creation of posts of Assistant Professors and upon being created, the same should be filled up by following due process of law.

The writ petition stands disposed of. Interim order, if any stands merged with this Order. No costs.

WPC No. 340/2022 is delinked from the instant writ petitions.

JUDGE

Comparing Assistant