GAHC030003952023

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

Case No. : WP(C)/90/2023

Sh. Lalremtluanga and 20 Ors.
S/o Lalthangmawia
R/o Mission Veng, Aizawl 2: Sh. P.C. Lalzuiliana

3: Sh. Saidingliana Sailo

4: Sh. Rosangzuala

5: Sh. S. Zirliana

6: Smt. Lalnunmawii

7: Smt. Mary Lallaithangi

8: Smt. E.M. Lalhuzami

9: Smt. C. Lalbiaktluangi

10: Sh. Zothankima

11: Sh. Thangchhuana

12: Smt. H. Lalnunpuii

13: Smt. C. Lalramsiami

14: Smt. K. Minuti

15: Sh. Lalramnghaka Ralte

16: Sh. H. Laldingngheta

17: Smt. Lalrinsangi

18: Sh. Dominic Crosby

19: Sh. H. Vanlalchhuanawma

20: Smt. Zomuanpuii

21: Smt. Rebecca K. Zonunmawi

VERSUS

The State of Mizoram r/b the Chief Secretary to the Government of Mizoram and 38 Ors.
Govt. of Mizoram
Aizawl2:The Secretary to the Government of Mizoram
DP and AR

3:The Secretary to the Govt. of Mizoram
Land Revenue and Settlement Department

4:The Director
Land Revenue and Settlement Department

5:The Secretary to the Government of Mizoram
Sports and Youth Services Department

6:The Director
Sports and Youth Services Department

7:The Secretary to the Government of Mizoram
Urban Development and Poverty Alleviation Department

8:The Director
Urban Development and Poverty Alleviation Department

9:The Secretary to the Government of Mizoram
Disaster Management and Rehabilitation Department

10:The Director
Urban Development and Poverty Alleviation Department

11:The Secretary to the Govt. of Mizoram
PHE Department

12:The Engineer-in-Chief
PHE Department

13:The Secretary to the Government of Mizoram
Transport Department

14:The Director
Directorate of Transport Department

15:The Secretary to the Govt.of Mizoram
Taxation Department

16:The Additional Commissioner of State Tax (Appeal)
Govt. of Mizoram

17:The Secretary to the Govt. of Mizoram
Animal Husbandry and Veterinary Department

18:The Director
Directorate of Animal Husbandry and Veterinary Department

19:The Secretary to the Govt. of Mizoram
Higher and Technical Education Department

20:The Director
Directorate of H and TE

21:The Secretary to the Govt. of Mizoram
School Education Department

22:The Director
Directorate of State Council of Educational Research and Training (SCERT)

23:The Secretary to the Government of Mizoram
Environment
Forest and Climate Change Department

24:The Principal Chief Conservator of Forests

25:The Secretary to the Govt. of Mizoram
Information and Communication Technology Department

26:The Director
Directorate of Information and Communication Technology Department

27:The Chief Electoral Officer
Govt. of Mizoram

28:The Secretary to the Govt. of Mizoram
Economics and Statistics Department

29:The Director
Economics and Statistics Department

30:The Secretary to the Govt. of Mizoram
Home Department

31:The DGP
Police Headquarter

32:The Secretary to the Govt. of Mizoram
Health Services Department

33:The Director
Directorate of Health Services

34:The Director
Administrative Training Institute (ATI)

35:The Secretary to the Govt. of Mizoram
Tourism Department

36:The Director
Directorate of Tourism

37:The Secretary to the Government of Mizoram
Law and Judicial Department

38:The Secretary to the Govt. of Mizoram
Planning and Programme Implementation Department

39:The Director
Directorate of Planning and Programme Implementation Departmen

Advocate for the petitioners : Mr. A.R. Malhotra

Advocate for the respondents : Mr. Samuel V. Chhangte,
Addl.Advocate General

BEFORE

HON'BLE MR. JUSTICE NELSON SAILO

Date on which judgment is reserved: 09.11.2026

Date of pronouncement of Judgment: 12.11.2026

Whether the pronouncement is of the Operative part of the judgment? : No

Whether the full judgment has been Pronounced? : Yes

JUDGMENT & ORDER (CAV)

Heard Mr. A.R. Malhotra, learned counsel for the petitioners and Mr. Samuel B. Chhangte, learned Additional Advocate General, Mizoram for the respondents.

2. The petitioners have filed the instant writ petition with the following prayers:-

"*In the premises it is most humbly prayed that your Lordships may graciously be pleased to admit this petition, call for the records and issue rule calling upon the Respondents to show cause as to why the Respondents shall not be directed to maintain a common*

seniority list of all the Data Entry Operators working in the various/different Offices/Departments under the Govt. of Mizoram and as to why the Respondents shall not be directed to consider the Petitioners case for promotion to the 4 vacant posts of Computer Operator lying vacant under the Respondents No.15, 16, 21, 22, 30, 31, 35 & 36 in accordance with the Mizoram Computer Operator (Group-B Posts) Recruitment Rules, 2011 and as to why the Respondents shall not be directed to fill up 50% of the 42 sanctioned posts of Computer Operator i.e. 21 posts by way of promotion from the post of Data Entry Operator and after hearing the parties be further pleased to make the rule absolute by directing the Respondents to maintain a common seniority list of all the Data Entry Operator working in the various/different Offices/ Departments under the Government of Mizoram and to fill up the 4 existing vacant posts of Computer Operator by way of promotion from the Data Entry Operators and directing the Respondents to fill up 50% of the 42 sanctioned posts of Computer Operator i.e. 21 posts by way of promotion from Data Entry Operators and to pass any other order(s) as your Lordships' may deem fit and proper."

3. Mr. A.R. Malhotra, learned counsel for the petitioners submits that the petitioners were appointed as Data Entry Operators (DEO) in various departments of the Government of Mizoram. The State Government in exercise of the powers conferred by the Article 309 of the Constitution of India, framed the Mizoram Computer Operator (Group-B Post) Recruitment Rules, 2011 (in

short C.O. Rules of 2011), which provides for the method of recruitment to the post of Computer Operator in various offices under the Government of Mizoram. The method of recruitment to the post of Computer Operator is 50% by promotion and 50% by way of direct recruitment. The promotion is to be made from amongst the DEOs, who have 06(six) years of regular service in that Grade. He submits that the petitioners are in fact eligible as per the said criteria, but due to lack of common seniority list amongst the DEOs of various departments, they have not been considered for promotion. Likewise, he submits that the State Government has framed the Mizoram Data Entry Operator (Group-'C' post) Recruitment Rules, 2011 (in short DEO Rules of 2011) for recruitment of DEOs. The essential qualification is HSSLC with Government approved 06(six) months Certificate in Computer Application or equivalent qualification from recognized Institutes with Computer Typing speed of 30 words per minute. Further, one should have working knowledge of Mizoram Language of at least Middle School standard. The method of recruitment to the post is 100% by way of direct recruitment.

4. Mr. A.R. Malhotra, learned counsel for the petitioners submits that the DEO Rules of 2011 provides for recruitment of DEOs in various offices and not departments and therefore, it can be safely interpreted that a person appointed as DEO in one department can also be considered for promotion to a vacant

post of Computer Operator in a different department. He submits that in other words, the DEO Rules of 2011 does not provide for any distinction of appointment amongst the Government departments. He therefore, submits that after drawl of common inter-se seniority amongst the DEOs, the eligible candidates can be considered for promotion to the vacant post of Computer Operator.

5. Mr. A.R Malhotra, learned counsel for the petitioners submits that some of the petitioners had approached the State Government in the Department of Personal and Administrative Reforms (DP&AR) to declare the post of DEO in their department as an isolated post, so as to enable them avail time bound promotion. However, such proposals have been declined by the DP&AR on the ground that the post of Computer Operator and DEO are governed by the Rules of 2011, wherein 50% of the quota for the post of Computer Operator is to be filled up from the post of DEO by way of promotion. The learned counsel for the petitioners submits that as per the reply given to the petitioners on their query made through an RTI application, there are 04(four) vacant post of Computer Operator available in various departments and therefore, the petitioners should be considered for their promotion on the available vacancies.

6. The learned counsel for the petitioners also submits that as per the Office

Memorandum dated 01.07.2019 (Annexure-10), issued by the DP&AR, the direct recruitment of Computer Operator and DEO have been discontinued and therefore, if the petitioners are considered for promotion to the vacant posts of Computer Operator available, nobodies right will be affected. He also submits that since the C.O. Rules of 2011 provides for the method of recruitment to the post of Computer Operator in various offices of the Government of Mizoram, there is no impediment in promoting the eligible DEOs to the post of Computer Operator in other Government offices. Since there is no common seniority list amongst the DEOs, the same can be easily prepared to facilitate the consideration and filling up of the vacant post of Computer Operator available.

7. Mr. Samuel V. Chhangte, learned Additional Advocate General, Mizoram, by referring to the affidavit-in-opposition filed by the respondents, submits that the C.O. Rules of 2011 and DEO Rules of 2011 governs all the Computer Operator and DEOs under the Government of Mizoram. Even though some departments may not have the post of Computer Operator, there are many departments having the post of Computer Operator and therefore, the posts of DEOs cannot be declared as an isolated post for a particular department. He submits that for a post to be declared as an isolated post, the post need to have neither promotional nor feeder post under the Government of Mizoram as a whole. The learned Additional Advocate General further submits that seniority list of all

Group-C and Group-D staffs under the Government of Mizoram are maintained by different departments and for their own respective departments. Therefore, vacancies cannot be filled up in a particular department by considering eligible candidates from other departments in the absence of any common cadre. Likewise, the post of Computer Operator in a particular department cannot be filed up by DEOs from another department since they do not form a common cadre in absence of an organized service. Learned Additional Advocate General further submits that the petitioners and other similarly situated persons otherwise are eligible and enjoying the Modified Assured Career Progression Scheme (MACPS), wherein certain financial up-gradation is granted to Government servants upon completion of 10, 20 and 30 years of service. He therefore, submits that the writ petitioners cannot be said to have any legitimate grievance and therefore, the writ petition should be dismissed.

8. I have heard the submissions made by the learned counsels for the rival parties and have perused the materials available on record.

9. The petitioners, who are working in various departments as DEOs, admittedly have been appointed separately by the various departments where they are working and that there is no common seniority amongst them unlike those in a organized service. Another undisputed fact is that in view of the

requirement introduced for recruitment in Group-A, B and C posts to have basic computer proficiency, the State Government has found the duties, functions and responsibilities entrusted to Computer Operator and DEO to have become redundant and therefore, vide Office Memorandum dated 01.07.2019, direct recruitment of Computer Operator and DEO has been discontinued with immediate effect. In view of such discontinuation, it is only apparent that those who are already appointed as such would remain in their position until they attain the age of superannuation unless there is a change of policy.

10. It is also seen that there was no common recruitment of DEOs or Computer Operator for all the departments, but such recruitment had been done department wise. Therefore, even if there is vacancy in a particular department, in absence of any common seniority list, it would not be feasible for bringing in an incumbent DEO from a particular department to the department where the vacancy is available. It is also seen that since the post of DEO is a feeder post for the post of Computer Operator, the post of DEO cannot be said to be an isolated post. The petitioners otherwise are said to be eligible to get the benefit of the MACPS upon their completion of the required years of service as per the three tier system. Therefore, it is not the case that the petitioners do not have the benefit of advancement in view of the MACPS.

11. Although Mr. A.R. Malhotra, learned counsel for the petitioners has submitted that the DEO Rules of 2011 can safely be interpreted to be a recruitment common to various offices, but the fact remains that the petitioners have been admittedly recruited separately in their respective departments and that no common seniority amongst all the DEOs appointed in different departments have been maintained. Under the circumstances, it will not be possible to accept the submission of the learned counsel that the DEO Rules of 2011 can be interpreted to mean that the recruitment made under the said Rules would mean that all the appointees belong to a common cadre and can be transferred, posted and promoted to the post of Computer Operator in any department under the State Government. Further, from a perusal of the DEO Rules of 2011 and the C.O. Rules of 2011, it can be seen that the appointees do not belong to an organized service, so as to term all the appointees to be belonging to one service cadre. Therefore, the contentions advanced on behalf of the petitioners to interpret the DEO Rules of 2011 for inter-departmental transfer or promotion cannot be accepted.

12. Thus, upon due consideration and in the absence of denial of opportunity as per the Rules and Guidelines in force, it cannot be said that the petitioners have the legitimate grievance to seek for promotion against the vacancy that may be available in other departments.

13. In the result, I do not find any merit in the writ petition and accordingly, the same is dismissed by leaving the parties to bear their own cost.

JUDGE

Comparing Assistant