GAHC030008452026

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

Case No. : WP(C)/162/2026

Smt. K. Laldinpuii and 3 Ors.
D/o K. Rochhinga, R/o C-117, Tuikual North, Aizawl - 796001 2: Ms. Lalthankimi

3: Ms. Melody Lalsangpuii

4: Ms. Vanlalrenglian

VERSUS

The State of Mizoram r/b Chief Secretary to the Govt. of Mizoram and 3 Ors.
MINECO, Aizawl - 796001, Mizoram 2:The Secretary to the Govt. of Mizoram

3:The Principal Director

4:The Principal Secretar

Advocate for the Petitioner : Mrs. H Lalmalsawmi

Advocate for the Respondent : Addl. AG/GA, Mizoram for R 1-4

BEFORE

HON'BLE MR. JUSTICE NELSON SAILO

ORDER

05.11.2026

Heard Ms. H Lalmalsawmi, learned counsel for the petitioners, and Ms. Caroline K Lungawipuii, learned Government Advocate for the respondents.

[2.] By filing this writ petition, the petitioners have sought for a direction to the respondent authorities concerned to give them the increment entitled to them in terms of the O.M dated 15.01.2010 issued by the Ministry of Health & Family Welfare (Nursing Section), Government of India, for possessing higher or additional qualification than what is required.

[3.] Ms. H Lalmalsawmi, learned counsel for the petitioners submits that the case of the petitioners is squarely covered by the earlier decision of this Court which are annexed as Annexure-15 & 16 of the instant writ petition, and therefore prays that similar direction has to be issued. To this submission, Ms. Caroline K Lungawipuii, learned Government Advocate submits that she may be given some time to seek instructions in the matter, so as to find out as to whether the petitioners are indeed covered by the earlier judgment of this

Court. However, having regard to the materials available on record, this Court is of the considered view that the writ petition can be disposed of at this stage, since the claim of the petitioners, at any rate, will have to be verified by the respondent authorities concerned before granting them the benefit of advanced increment, as may be entitled to them.

[4.] It is the claim of the petitioners that the petitioner No. 1 was appointed on 05.09.1991, and as per the Service Rules, during the relevant time, the qualification required to be appointed as a staff nurse was being a registered nurse or a registered midwife. The petitioner No. 1, besides possessing the required qualification was having a 10 months Diploma in Public Health Nursing and therefore claims that she is entitled to one increment in terms of the O.M dated 15.01.2010.

[5.] It is the further case of the petitioners that the petitioner Nos. 2, 3 & 4 all possess the qualification of M.Sc. Nursing at the time of their initial appointment on 04.11.2022, while their required qualification for such appointment in the post of Tutor was only B.Sc. Nursing. Therefore, they are entitled to two increments in terms of the O.M dated 15.01.2010.

[6.] The petitioners further contend that the petitioner No. 1 was

confirmed vide Office Order dated 29.10.1997, as staff nurse while the petitioner Nos. 2 to 4 were confirmed as Tutors, vide Office Order dated 24.06.2026. The petitioners contend that the petitioner No. 1 was promoted from the post of staff nurse to the post of Nursing Superintendent, (Public Health System), vide Office Order dated 28.06.2000. Further, the petitioners contend that the petitioner No. 1 is now posted in the Directorate of Health Services. The petitioners contend that although they had approached the respondent authorities concerned for grant of the increment as entitled to them in terms of O.M dated 15.01.2010, but since the same has not been given to them, they are before this Court.

[7.] The learned counsel for the petitioners submits that this Court in WP(C) No. 4/2026 (Smt. Vanlalfeli & 2 Ors. Vs. State of Mizoram & 3 Ors., vide Order dated 23.02.2026) relying upon the earlier judgment of this Court in WP(C) 100/2014, WP(C) 73/2020, WP(C) 75/2020 and WP(C) 134/2024 had disposed of the writ petition by directing the respondent authorities concerned to grant them the increments as entitled to them in terms of the qualification they possessed. However, subject to the fact that their service particulars and their educational qualifications are duly verified.

[8.] I have perused the materials available on record and the earlier

directions passed by this Court in similar cases, and therefore, I do not find any impediment in disposing of the same in a similar manner.

[9.] Accordingly, the petitioners are directed to submit their individual representations indicating their educational qualification with supporting documents and the claim for the entitled increment in terms of the O.M dated 15.01.2010, before the Commissioner and Secretary to the Government of Mizoram, Health & Family Welfare Department with a copy to the Principal Secretary to the Government of Mizoram, Finance Department, and also with a copy to the Principal Director, Health & Family Welfare Department, within a period of two weeks from today. The respondent authorities, upon receipt of the representation, shall consider and dispose of the same with a reasoned and speaking order, within a period of six weeks from the date of receipt of the representation. It is also made clear that in the event the petitioners are found to be eligible to receive the increment as entitled to them in terms of the order dated 15.01.2010, the same should be granted to them without any delay.

[10.] With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant