

GAHC020000342026



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

Case No. : I.A.(Civil)/11/2026

SMTI. LEVI SUMI
NEW COLONY ZUNHEBOTO NAGALAND P.NO. 8787639269

VERSUS

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

2:THE PRINCIPAL SECRETARY
P AND AR DEPT. NAGALAND KOHIMA

3:THE COMMISSIONER
NAGALAND KOHIMA

4:THE DEPUTY COMMISSIONER
KIPHIRE NAGALAND

5:THE NAGALAND PUBLIC SERVICE COMMISSION
REPRESENTED BY ITS SECRETARY NAGALAND KOHIMA

Advocate for the Petitioner : TAKA MASA, SR. ADV,

Advocate for the Respondent : GOVT ADV NL,

Linked Case : WA/3/2026

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Advocate for : TAKA MASA
SR. ADV

Advocate for : GOVT ADV NL appearing for STATE OF NAGALAND AND 4 ORS

BEFORE
HON'BLE MR. JUSTICE KALYAN RAI SURANA
HON'BLE MR. JUSTICE SANJEEV KUMAR SHARMA

ORDER

06/05/2026

(K.R. Surana, J)

Heard Mr. Taka Masa, learned Senior Counsel assisted by Mr. Sentilong, learned counsel for the applicant. Also heard Ms. A. Ayemi, learned Government Advocate appearing for the respondent Nos. 1 to 4 and Mr. C.T. Jamir, learned Senior Counsel assisted by Mr. Aliba Ozukum, learned counsel for the respondent No. 5.

2. In view of the issue raised in this Intra Court Appeal that in the absence of a Caste Scrutiny Committee to the creation of which is mandated in the Judgment passed by the Supreme Court of India in

the case of *Madhuri Patel Vs. Additional Commissioner, Tribal Development and Others*, reported in (1994) 6SCC 241, whether the appellant would be debarred from assailing the order of cancellation of the tribe certificate issued in favour of the petitioner by the Deputy Commissioner, Kiphire, who is the authority, who had earlier granted the certificate, before this Court in the absence of alternative remedy.

3. As the issue relates to the non-creation of the Caste Tribe Scrutiny Committee by the State of Nagaland, the Court is inclined to admit this appeal for hearing by issuing rule, returnable in 4 (four) weeks.

4. As the issue relates to the establishment of a Tribes Scrutiny Committee as per the direction contains to the case of *Madhuri Patel (supra)*, the Court is inclined to issue notice on the Advocate General of the State of Nagaland.

5. Extra copy of the Memo appeal be provided to the learned Government Advocate for service to the learned Advocate General.

6. List after 4 (four) weeks.

JUDGE

JUDGE

Comparing Assistant