

GAHC020004232025



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

Case No. : WA/17/2025

MR. VIGHOTO CHISHI
SON OF LATE GHOKUTO CHISHI, R/O H.NO. 63, SITIMI VILLAGE,
KIPHIRE NAGALAND

VERSUS

C. ALEM SANGTAM AND 4 ORS
R/O KIPHIRE VILLAGE, KIPHIRE NAGALAND

2:STATE OF NAGALAND
THROUGH THE CHIEF SECRETARY
GOVT. OF NAGALAND

3:THE COMMISSIONER AND SECRETARY
DIRECTORATE OF VETERINARY AND ANIMAL HUSBANDRY
KOHIMA NAGALAND

4:THE DIRECTOR
DEPT. OF VETERINARY AND ANIMAL HUSBANDRY
KOHIMA NAGALAND

5:SHR N. ATOVI SEMA
R/O SITIMI VILLAGE
KIPHIRE NAGALAND

Advocate for the Petitioner : A. ZHIMOMI, VITO K SHOHE,G
KAMEI,LHOUSINO,ESTHER

Advocate for the Respondent : ,

BEFORE
HON'BLE MR. JUSTICE NELSON SAILO
HON'BLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 12-11-2025

(N.Sailo, J)

Heard Ms. Esther, learned counsel for the appellant, who submits that this is a third party appeal filed by the appellant being aggrieved with the order dated 05.05.2025 passed by the learned Single Judge in WP(C)/193/2021. She submits that the appellant is aggrieved more particularly in respect of the directions given in paragraph nos. 9 and 10 of the impugned order and she therefore submits that pending final consideration of the writ appeal, the impugned order should be stayed.

The case has a chequered history. It may be stated herein that the respondent no. 4 in the instant appeal had filed WP(C)/31(K)/2012 challenging the approval given for appointment of the respondent no. 1 in the instant appeal as Medicine Carrier in the Office of the District Veterinary and Animal Husbandry Officer, Kiphire. The writ petition was disposed of by setting aside the approval given for appointment of the respondent no. 1 and also his appointment order. The respondent no. 1 being aggrieved filed WA/18(K)/2013 along with WA/19(K)/2013. The writ appellate court vide Judgment and Order dated 26.06.2018 set aside the Judgment and Order of the learned Single Judge. Despite the setting aside of the Judgment and Order of the learned Single Judge, since the respondent no. 1 was not offered any appointment while the respondent no. 4 in the instant appeal was allowed to continue in the post of Medicine Carrier, the respondent no. 1 filed

WP(C)/193/2021 which was then disposed of vide the impugned Order dated 05.05.2025, which is under challenge in the instant writ appeal.

Ms. Esther, learned counsel submits that after the writ appellate Court had interfered with the appointment of the respondent no. 4, the respondent authorities ought to have floated an advertisement for filling up the post concerned but instead they have proceeded to consider the case of the respondent no. 1 for appointment to the post in question. Since the respondent no. 1 filed WP(C)/193/2021 and during the pendency of the writ petition respondent no. 4 was allowed to continue in the post in question, the learned Single Judge vide impugned order dated 05.05.2025 directed that the respondent no. 1 should be given the appointment to the post by acting upon the approval order given earlier within a period of 3 (three) months. Therefore, the present appellant, who is one of the aspirants for appointment to the post in question and qualified for the post having been denied consideration, has filed the instant third party appeal. The learned counsel submits that the appointment sought to be made in favour of respondent no. 1 is without following any procedure and is merely on the basis of approval given by the Department without any basis.

Considering the above submissions, this Court considers that the matter be examined and accordingly, the appeal is admitted.

Issue notice to the respondents returnable by 2 (two) weeks.

Let notice be served to respondent nos. 2, 3 and 4 through Mr. Moa Imchen, learned Senior Government Advocate, if not already done. Mr. N. Longkumer, learned counsel accepts notice on behalf of

respondent no. 1, while Mr. N. Mozhui, learned counsel accepts notice on behalf of respondent no. 5. Notice is therefore completed.

Appellant to serve requisite copies to the learned counsels appearing today, if not already done.

List again on 26.11.2025.

Having regard to the projection made by the appellant, the impugned Order dated 05.05.2025 shall remain stayed till the next returnable date.

JUDGE

JUDGE

Comparing Assistant