

GAHC020005552025



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

Case No. : WP(C)/171/2025

SHRI ROBEN EZUNG
G/T (MATHS), GMS YONCHUCHO, DIS, WOKHA NAGALAND

VERSUS

STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND,
KOHIMA 2:COMMISSIONER AND SECRETARY
GOVT. OF NAGALAND
SCHOOL EDUCATION DEPARTMENT
NAGALAND KOHIMA

3:THE PRINCIPAL DIRECTOR
SCHOOL EDUCATION DEPARTMENT
NAGALAND KOHIMA

4:THE DIRECTOR
SCHOOL EDUCATION DEPT.
NAGALAND KOHIMA

5:THE SUB-DIVISIONAL EDUCATION OFFICER
WOKHA NAGALAN

For the Petitioner(s) : Mr. Tongpok Pongener, Advocate

For the Respondent(s) : Ms. Pichano, Govt. Advocate

**BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 27.08.2025

Issue notice making it returnable on 25.09.2025.

2. Ms. Pichano, the learned Government Advocate, Nagaland appears on behalf of all the respondents and accepts notice.

3. Extra copies of the writ petition be served upon the learned Government Advocate, Nagaland representing the respondents during the course of the day.

4. The petitioner herein is aggrieved by the continuation of the petitioner on ad-hoc basis under the SSA Scheme and the inaction on the part of the Respondent Authorities in creation of posts so that the petitioner could be accommodated.

5. Mr. Tongpok Pongener, the learned counsel for the petitioner drawing the attention of this Court in a recent judgment of the Supreme Court in the case of ***Dharam Singh & Others Vs. State of U.P. & Another*** reported in ***(2025) SCC OnLine SC 1735*** submitted that this is not a case by which the petitioner is seeking a direction for regularization, but the petitioner herein seeks a judicial review on the inaction on the part of the Respondent Authorities in

not creating of posts, taking into account that the petitioner has been performing works day after day as is performed by permanent employees of the Government of Nagaland.

6. The learned counsel for the petitioner therefore submitted that this is the third round of litigation and on one ground or the other, the Respondent Authorities have denied the legitimate rights of the petitioner. The learned counsel for the petitioner further submitted that in view of the denial, the petitioner is not only deprived of various benefits which otherwise ensures upon a State Government Employee, but is also denied of the scale of pay which renders the action on the part of the Respondent Authorities unfair, unreasonable and violative of Article 14 of the Constitution of India.

7. The respondents are directed to bring on record their stand by filing their affidavits on or before the next date.

8. This Court having heard the learned counsels and having also taken note of that this is the third round of litigation, an endeavor shall be made for an early resolution to the dispute raised in the present proceedings.

9. List accordingly.

Sd/-

JUDGE

Comparing Assistant