

GAHC020007222024



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

Case No. : WP(C)/281/2024

SHRI SENTIMEREN AO
H.NO. D 89
PARACIEZIE WARD
KOHIMA NAGALAND-797001

VERSUS

THE STATE OF NAGALAND AND 4 ORS
REPRESENTED BY THE CHIEF SECRETARY
NAGALAND KOHIMA-797001 2:THE FINANCE COMMISSIONER
DEPARTMENT OF FINANCE
NAGALAND KOHIMA

3:THE COMMISSIONER AND SECRETARY
DIRECTORATE OF HIGHER AND TECHNICAL EDUCATION
KOHIMA NAGALAND-797001

4:THE SECRETARY
P AND AR DEPARTMENT
NAGALAND KOHIMA-797001

5:THE DIRECTOR
DIRECTORATE OF HIGHER EDUCATION
NAGALAND KOHIMA

6:THE PRINCIPAL
STATE COLLEGE OF TEACHER EDUCATION
KOHIMA NAGALAND-79700

Advocate for the Petitioner : C. T. JAMIR, SR. ADV, I IMCHEN,ALIBA
OZUKUM,ASA RUTSA,TOSHI JAMIR,KROVI TSUKRU,NUNGSANG AIER,IMTILA
PONGEN,JAWAMONG YADEN,O TEMJEN JAMIR

Advocate for the Respondent : GOVT ADV NL,

**BEFORE
HON'BLE MR. JUSTICE NELSON SAILO**

ORDER

Date : 16.06.2026

Heard Ms. Toshi Jamir, learned counsel for the petitioner and Ms. Bichano Kithan, learned Govt. Advocate appearing for all the respondents.

[2.] By filing this writ petition, the petitioner has sought for a direction to the respondent authorities to conduct physical verification of the services rendered by him and to regularise him in service in terms of the Office Memorandum dated 17.03.2015 (Annexure-F).

[3.] Brief facts of the case essential for disposing the instant writ petition is that the petitioner was appointed as Lab Assistant on temporary transfer of the post to the Science section under the establishment of the Nagaland College of Education, Kohima vide order dated 16.09.1989 in the scale of pay of Rs. 450-11-538-12-670-EB-(illegible) per month with other allowances as per the Rules w.e.f 16.09.1989 up to the period ending 29.02.1990. The petitioner continued as such despite the appointment being for a limited period on the basis of various extensions until he was released on 31.07.2024 upon attaining the age of superannuation after completing the age of 60(sixty) years of service vide order dated 30.06.2023 (Annexure-B). The name of the petitioner appears at Sl. No.14 of the said order.

[4.] It is the case of the petitioner that he served for over 34 years till he retired on attaining the age of superannuation. Further, as per the Office Memorandum dated 17.03.2015, in order to be considered for regularisation, one needs to serve at least for 30 years on continuous basis and that one has to be on scale of pay. According to the petitioner, he fulfills both the criteria and despite several request made to the authorities, his case was not considered and he superannuated upon attaining the age of 60 years vide order dated 30.06.2023 and released from service on 31.07.2024. Aggrieved with the non-regularisation of the service, the petitioner filed the instant writ petition on 12.11.2024.

[5.] The stand taken by the respondents in their affidavit-in-opposition is that in order to give effect to the Office Memorandum dated 17.03.2015, the District Level Verification Committee (DLVC) has to be constituted and that the case of regularization of the employees concerned would be considered in terms of the verification report submitted by the DLVC. Since there was no such verification on the service of the petitioner, his service could not be regularised.

[6.] During the pendency of the writ petition, Court was informed that the name of the petitioner was forwarded by the Department of Higher Education to the Department of Personnel Administrative Reforms for verification of his service details for the purpose of regularisation. However, till date the same has not fructified. In fact, the learned Govt. Advocate, Ms. Bichano submits that the Personnel Administrative Reforms Department (Administrative Reforms Branch) Govt. of Nagaland had issued a circular on 08.05.2026, wherein, as per instruction No.1 in the circular, it is provided that the employees

who retired before setting up of Committee i.e., 26.05.2026 are not mandated to be verified by the Committee and therefore their documents returned/reverted. She submits that in terms of the said circular, she has been informed by the Joint Secretary to the Govt. of Nagaland, Higher & Technical Education Department vide letter dated 10.06.2026 that the employees who retired before setting up the DLVC i.e., 25.06.2026 are not mandated to be verified by the DLVC and therefore, the petitioner's name could not be included in the list of physical verification in the 1st phase.

[7.] The learned Govt. Advocate further submits that vide Corrigendum dated 12.05.2026, the date 26.05.2026 appearing in the circular dated 18.05.2026 has been corrected as 26.05.2025. Therefore, the petitioner is not eligible to be considered since he has retired on 31.07.2024. The learned Govt. Advocate submits that the said documents have been annexed in the additional affidavit filed by the Secretary to the Department of Higher Education in terms of the Court's order dated 25.05.2026. The learned Govt. Advocate submits that the additional affidavit was filed on 12.06.2026. It is however seen that the said additional affidavit is not on record but the learned Govt. Advocate has handed over her personal copy. Registry to verify and connect the additional affidavit to the record.

[8.] The issue to be considered in the instant case is as to whether the petitioner can be denied the benefit of absorption/regularisation in terms of the Office Memorandum dated 17.03.2015 in view of the circular dated 08.05.2026 and the Corrigendum dated 12.05.2026. As already noticed the two main conditions to be fulfilled in order to be considered for regularisation is that one has to render at least 30

years of service continuously and that such service should be rendered on scale of pay. According to the petitioner, he fulfills both the criteria and he has rendered more than 34 years of service until he superannuated on 31.07.2024.

[9.] The stand taken by the respondents is that in view of the setting up of the DLVC on 26.05.2026 which was thereafter corrected as 26.05.2025, there was no compulsion on their part to consider his case. It may be seen that the writ petition itself was filed on 12.11.2024 much before any such circular was issued by the respondent authorities concerned constituting the DLVC.

[10.] Having regard to the facts and circumstances of the case, this Court is of the considered view that non-constitution of the DLVC cannot be the basis for denying the petitioner the benefit of being considered for regularisation since as per the Office Memorandum dated 17.03.2015, it is incumbent upon the Government to do the needful for verifying the service condition of the employees working on work charge or casual basis. Failure to do so, when the employee concerned fulfills the criteria prescribed cannot be the basis for rejecting the claim for being considered for regularization of service.

[11.] In view of above, upon due consideration of the matter in its entirety, I find the grievance of the petitioner to be legitimate and accordingly, the respondents are directed to consider his case for regularisation in terms of the Office Memorandum dated 17.03.2015. In doing so, the respondents would be at liberty to verify the service rendered by him and on such verification, if it is found that the petitioner had indeed served for more than 34 years

on scale of pay, he shall be given the benefit of regularisation. The entire process be carried out as expeditiously as possible at any rate within the outer limit of 4(four) months from the date of receipt of a certified copy of the order.

[12.] With the above observations and directions, the writ petition stands disposed of. No cost.

Sd/-

JUDGE

Comparing Assistant