

GAHC020008512024



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

Case No. : WP(C)/318/2024

SMTI. MEYARENLA IMCHEN
ASSISTANT TEACHER,
2ND NAP HIGHER SECONDARY SCHOOL, ALICHEN,
MOKOKCHUNG-798601, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 3 ORS
THROUGH THE CHIEF SECRETARY TO THE
GOVERNMENT OF NAGALAND, KOHIMA

2:THE HOME COMMISSIONER
NAGALAND
KOHIMA

3:THE DIRECTOR GENERAL OF POLICE
POLICE HEADQUARTERS
NAGALAND
KOHIMA

4:THE COMMANDANT

2ND NAP BATTALION
ALICHEN
MOKOKCHUN

Advocate for the Petitioner : SENTIYANGER, KONLI BUCHEM,V ANNE
THERIE

Advocate for the Respondent : GOVT ADV NL,

**BEFORE
HON'BLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 18.09.2025

Heard Mr. Sentianger, learned counsel for the petitioner and Ms. Pichano, learned Government Advocate appearing on behalf of Mr. Imti Imsong, learned Additional Advocate General, Nagaland for the respondents.

2. The State respondents were granted several opportunities to file their affidavit-in-opposition. This Court on 26.08.2025 taking note of the consistent failure on the part of the State respondents to file their affidavit-in-opposition, had observed that the affidavit-in-opposition of the respondent should invariably be filed by 12.09.2025.

3. Today, Ms. Pichano, learned Government Advocate appearing for Mr. Imsong, learned Additional Advocate General, Nagaland has submitted that Mr. Imsong is indisposed.

4. Be that as it may, this Court has proceeded to look into the materials brought on record.

5. It is noticed that the respondent no. 4 has resorted to the provisions of 'the Service Rules for private teachers of 2nd NAP Battalion Higher Secondary School, Alichen, Mokokchugn' to regulate the conditions of service of the petitioner. The petitioner was appointed as a teacher in the Regimental School, 2nd NAP

Alichen. The grievance of the petitioner, in essence, is that she had been prematurely retired from service in an illegal manner by the respondent no. 4.

6. In order to adjudicate on the issue whether the petitioner had been prematurely retired in an illegal manner, a determination is to be made as to whether the petitioner is protected by Articles 309 to 311 of the Constitution of India. A determination is also required whether the 2nd NAP Battalion Higher Secondary School, Alichen Mokokchugn comes within the purview of Article 12 of the Constitution of India.

7. In order to determine the above issues and the other relevant issues, a counter affidavit from the respondent authorities is found necessary. As no affidavit-in-opposition has been filed till date, the learned Additional Advocate General, Nagaland who is handling the brief for the respondents, shall produce the relevant records on the next date of listing. A further opportunity as a last opportunity is also granted to the respondents to file their affidavit-in-opposition.

8. List the case on 14.10.2025.

Sd/-

JUDGE

Comparing Assistant