

GAHC030003952023



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

Case No. : WP(C)/90/2023

Sh. Lalremtluanga and 20 Ors.

S/o Lalthangmawia

R/o Mission Veng, Aizawl 2: Sh. P.C. Lalzuiliana

S/o Sangkunga

R/o Chaltlang Mual Veng

Aizawl

3: Sh. Saidingliana Sailo

S/o V.L Ropuia Sailo

R/o Y-36

Mission Vengthlang

Aizawl

4: Sh. Rosangzuala

S/o C. Rotluanga

R/o M-107

Mission Vengthlang

Aizawl

5: Sh. S. Zirliana

S/o Ngurdailova Sailo

R/o Republic Biak In Mual

Aizawl

6: Smt. Lalnunmawii

D/o V. Hmingliana

R/o Peniel Home

C-44

Nursery Veng

Aizawl

7: Smt. Mary Lallaithangi

D/o Lalvunga

R/o D/T-55

Dinthar Veng
Aizawl

8: Smt. E.M. Lalhuzami
D/o Lalroseia
P/A Champhai

9: Smt. C. Lalbiaktluangi
D/o Hrangchhuana (L)
R/o Middle Kanan
Aizawl

10: Sh. Zothankima
S/o Zohmingthanga
R/o Khatla
Aizawl

11: Sh. Thangchhuana
S/o Vaikhuma (L)
R/o Ramthar North
Aizawl

12: Smt. H. Lalnunpuii
D/o Thansanga
R/o Ramhlun North
Aizawl

13: Smt. C. Lalramsiami
D/o C. Tlangchhuana
C/o Sangkunga
R/o Chanmari
Aizawl

14: Smt. K. Minuti
D/o K. Sawma
R/o Saiha Bazar Veng
Saiha

15: Sh. Lalramnghaka Ralte
S/o Biblethara
R/o Dinthar-II
Aizawl

16: Sh. H. Laldinggheta
C/o Khawvelthanga Ralte
R/o Dinthar-II
Aizawl

17: Smt. Lalrinsangi
D/o Rangthangvunga
R/o T-9
Venghlui
Aizawl

18: Sh. Dominic Crosby
S/o David M. Sangzuala
R/o Venglai
Kolasib

19: Sh. H. Vanlalchhuanawma
S/o Lalthlengliana
R/o Tlangnuam
Aizawl

20: Smt. Zomuanpuii
D/o Lalnghinglova
R/o Republic Vengthlang
Aizawl

21: Smt. Rebecca K. Zonunmawii
D/o K. Lalchhandama
R/o Bawngkawn Bazar Veng
Aizawl

VERSUS

The State of Mizoram r/b the Chief Secretary to the Government of Mizoram and 38
Ors.

Govt. of Mizoram
Aizawl
The Secretary to the Government of Mizoram
DP and AR
Govt. of Mizoram
Aizawl

3: The Secretary to the Govt. of Mizoram
Land Revenue and Settlement Department
Aizawl
Mizoram

4: The Director
Land Revenue and Settlement Department
Govt. of Mizoram
Aizawl

5: The Secretary to the Government of Mizoram
Sports and Youth Services Department

Aizawl
Mizoram

6:The Director
Sports and Youth Services Department
Govt. of Mizoram
Aizawl

7:The Secretary to the Government of Mizoram
Urban Development and Poverty Alleviation Department
Aizawl
Mizoram

8:The Director
Urban Development and Poverty Alleviation Department
Govt. of Mizoram
Aizawl

9:The Secretary to the Government of Mizoram
Disaster Management and Rehabilitation Department
Aizawl
Mizoram

10:The Director
Urban Development and Poverty Alleviation Department
Govt. of Mizoram
Aizawl

11:The Secretary to the Govt. of Mizoram
PHE Department
Aizawl
Mizoram

12:The Engineer-in-Chief
PHE Department
Aizawl
Mizoram

13:The Secretary to the Government of Mizoram
Transport Department
Aizawl
Mizoram

14:The Director
Directorate of Transport Department
Govt. of Mizoram
Aizawl

15:The Secretary to the Govt.of Mizoram
Taxation Department
Aizawl
Mizoram

16:The Additional Commissioner of State Tax (Appeal)
Govt. of Mizoram
Aizawl
Mizoram

17:The Secretary to the Govt. of Mizoram
Animal Husbandry and Veterinary Department
Aizawl
Mizoram

18:The Director
Directorate of Animal Husbandry and Veterinary Department
Govt. of Mizoram
Aizawl

19:The Secretary to the Govt. of Mizoram
Higher and Technical Education Department
Aizawl
Mizoram

20:The Director
Directorate of H and TE
Govt. of Mizoram
Aizawl

21:The Secretary to the Govt. of Mizoram
School Education Department
Aizawl
Mizoram

22:The Director
Directorate of State Council of Educational Research and Training (SCERT)
School Education Department
Govt. of Mizoram
Aizawl

23:The Secretary to the Government of Mizoram
Environment
Forest and Climate Change Department
Aizawl
Mizoram

24:The Principal Chief Conservator of Forests

Govt. of Mizoram
Aizawl

25:The Secretary to the Govt. of Mizoram
Information and Communication Technology Department
Aizawl
Mizoram

26:The Director
Directorate of Information and Communication Technology Department
Govt. of Mizoram
Aizawl

27:The Chief Electoral Officer
Govt. of Mizoram
Aizawl
Mizoram

28:The Secretary to the Govt. of Mizoram
Economics and Statistics Department
Aizawl
Mizoram

29:The Director
Economics and Statistics Department
Govt. of Mizoram
Aizawl

30:The Secretary to the Govt. of Mizoram
Home Department
Aizawl
Mizoram

31:The DGP
Police Headquarter
Govt. of Mizoram
Aizawl

32:The Secretary to the Govt. of Mizoram
Health Services Department
Aizawl
Mizoram

33:The Director
Directorate of Health Services
Govt. of Mizoram
Aizawl
Mizoram

34:The Director
Administrative Training Institute (ATI)
Govt. of Mizoram
Aizawl
Mizoram

35:The Secretary to the Govt. of Mizoram
Tourism Department
Aizawl
Mizoram

36:The Director
Directorate of Tourism
Govt. of Mizoram
Aizawl
Mizoram

37:The Secretary to the Government of Mizoram
Law and Judicial Department
Aizawl
Mizoram

38:The Secretary to the Govt. of Mizoram
Planning and Programme Implementation Department
Aizawl
Mizoram

39:The Director
Directorate of Planning and Programme Implementation Department
Govt. of Mizoram
Aizawl
Mizora

Advocate for the Petitioner : Mr A.R. Malhotra

Advocate for the Respondent : Addl. AG/GA, Mizoram for R1 to 39

B E F O R E
HON'BLE MR. JUSTICE NELSON SAILO
ORDER

25.07.2023

Heard Mr. A.R Malhotra, learned counsel for the petitioners, who submits that the petitioners were appointed as Data Entry Operator (DEO) in various Departments of the Govt. of Mizoram. The State Government in exercise of the powers conferred by Article 309 of the Constitution of India framed the Mizoram Computer Operator (Group 'B' Posts) Recruitment Rules, 2011 (Rules of 2011) which provides for the method of recruitment to the posts of Computer Operator in various Offices under the Govt. of Mizoram. The method of recruitment to the posts of Computer Operator as per the Rules of 2011 is 50% by promotion and 50% by direct recruitment. Promotion is to be made from amongst DEOs who have 6 (six) years regular service in the grade. According to the petitioners, although they are eligible to be considered for promotion to the posts of Computer Operator but due to lack of any common seniority list amongst the DEOs of various Departments, they have not been considered for promotion.

Mr. A.R Malhotra, learned counsel for the petitioners submits that some of the Departments in which the petitioners were working had approached the State Government in the Department of Personnel & Administrative Reforms (DP&AR) to declare the posts of DEO in their respective Departments as an isolated post, so as to

enable the incumbents to avail time bound promotion. However, such proposals have been declined by the DP&AR by contending that the posts of Computer Operator and DEO are governed by a common Recruitment Rules which provides 50% quota for promotion from DEO to the post of Computer Operator. Despite the stand taken by the DP&AR since the petitioners have not been considered for further promotion, they submitted an application through RTI seeking information about the number of sanctioned posts of Computer Operator available in different Departments and the vacancies available. In response to the query made by the petitioners, they have been informed that there are presently 4 (four) vacancies available in the various Departments. The learned counsel further submits that as per the Office Memorandum issued on 01.07.2019 (Annexure-10) by the DP&AR, the Direct Recruitment of Computer Operator and DEO have been discontinued and therefore, against the 4 (four) vacancies available presently, the petitioners may be directed to be considered for promotion by drawing a common seniority amongst the DEOs of various Government Departments.

In view of above, issue notice of motion returnable by 4 (four) weeks. Mr. P.C Lalthangmawia, learned Government Advocate appears and accepts notice on behalf of all the respondents.

List the matter again **after 4 (four) weeks**. In the meantime, the State respondents shall file their counter affidavit. Pendency of the writ petition shall not be

a bar for the respondents to draw a common seniority list of DEOs and their consideration for further promotion to the post of Computer Operator.

JUDGE

Comparing Assistant