

GAHC030003952023



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

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

Sh. Lalremtuanga 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. Lalbiakluangi
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. Zomuanpuui
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

2: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

06.06.2024

21 (Twenty One) petitioners are before this Court. They all had been appointed as Data Entry Operators under various Departments. It is their case that ever since their appointment, they have not been promoted although the Mizoram Computer Operator (Group 'B' posts) Recruitment Rules, 2011 provides for promotion to the post of Computer Operator to the extent of 50% and the remaining 50% by way of direct recruitment. According to the petitioners, there are vacancies in other Departments but the State respondents maintain that inter-departmental promotion cannot be done. The respondents have also declined to declare the post of DEO in some Departments as isolated post in order to get time bound promotion, on the ground that there is a Recruitment Rule and promotional avenue to the post of Computer Operator is available.

Mr. A R Malhotra, learned counsel submits that a bare reading of the Rules of 2011 would go to show that the Recruitment Rules is meant for and covers all the DEOs working under various Offices of the State Government. Further, column-3 of the annexure to the Recruitment Rules classifies the post of Computer Operator as General State Service (Group 'B' or Class-II posts) (Non-Gazetted) (Non-Ministerial) which goes to indicate that it is a service which comprises of all the post of Computer Operators in various Departments.

Although the respondents maintain that the post of DEO having a promotional avenue cannot be declared as an isolated post, there appears to be no promotional avenue for the petitioners in their own respective Department either for want of vacancy or for want of the post of Computer Operator. The State respondents, while maintaining their stand, have not produced any such scheme or

guidelines which regulate the consideration for declaring a post to be an isolated post.

Mr. Samuel Vanlalhriata Chhangte, learned Addl. Advocate General shall, therefore, obtain instructions in this regard and produce the guidelines by the next Court date.

List the matter again on 20th June, 2024.

JUDGE

Comparing Assistant