

GAHC040002472026



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

Case No. : WP(C)/67/2026

Smti Jimbo Chongroju
Wife of Naik Chongroju, resident of Village Nakhu, PO and PS Nafra, Bichom
District, Arunachal Pradesh.

VERSUS

The State of Arunachal Pradesh and 2 Ors
represented by the Chief Secretary, Govt of Arunachal Pradesh, Itanagar. 2:The
Deputy Commissioner
Age: 0
Occupation :
Bomdila
West Kameng District
Arunachal Pradesh.

3:The Deputy Director of School Education
Age: 0
Occupation :
Bomdila
West Kameng District
Arunachal Pradesh

Advocate for the Petitioner : Likha Moriam, Dada Pangu, Taja Mingki

Advocate for the Respondent : GA (AP), SC (Education), Taba Tagum

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 27-02-2026

Heard Mr. T. Mingki, learned counsel for the petitioner. Also heard Ms G. Ete, learned Additional Senior Government Advocate and Mr. T. Tagum, learned Standing Counsel, Education Department for the respondents.

2. By instituting this application, the petitioner has prayed for a direction to the respondent Deputy Commissioner to consider issuance of No Objection Certificate(NOC) for the purpose for consideration of regularisation of her service.

3. The petitioner is working as Aya (contingency) under the establishment of Deputy Director of School Education, West Kameng District, Bomdila. For consideration of regularisation, NOC is required to be submitted before the authorities. Accordingly, the petitioner has applied for issuance of the NOC in the month of September, 2025, which was forwarded by the Deputy Director of School Education to the Deputy Commissioner, West Kameng District, Bomdila.

4. It is the contention of the petitioner that despite there being no hurdles to issue the NOC, the Deputy Commissioner has not issue the NOC. On inquiry, it has been informed to the petitioner that since the petitioner has applied for a land allotment of the Government land, her case could not be considered.

5. Mr. T. Mingki, learned counsel for the petitioners submits although, the petitioner has applied for allotment of the Government land in terms

of the applicable Act and Rules, the petitioner has not been allotted any Government land nor there is any encroachment or occupation of Government land by the petitioner. Therefore, the mere application for allotment of the Government land cannot be a ground to refuse to issue No Objection Certificate unless the petitioner is found to have encroached or in illegal occupation of the Government land.

6. Ms G. Ete, learned Additional Senior Government Advocate and Mr. T. Tagum, learned Standing Counsel for the Education Department fairly submit that if the petitioner is not under illegal occupation or has encroached any Government land, there may not be any impediment to issue the NOC. Therefore, in the event, the petitioner is found to be not involved in any encroachment or in illegal occupation or any other act which may debar her from obtaining any NOC, the case of the petitioner may be directed to be considered.

7. Considered the submissions of learned counsel for the parties.

8. The petitioner, who is working as Aya (contingency) under the establishment of Deputy Director of School Education, West Kameng District, Bomdila has applied for issuance of NOC before the Deputy Commissioner, West Kameng District in the month of September, 2025 for the purpose of consideration for regularisation of her service. The record reveals that the petitioner appears to have not encroached or under illegal occupation of any Government land, which is also fortified from the WT message from the Additional Deputy Commissioner, Nafra, Bichom District.

9. Although, the petitioner appears to have applied for allotment of the Government land, there is no material to show that the petitioner has encroached or under illegal occupation of any Government land. Thus, a mere application for allotment of the Government land cannot be a ground to refuse the issuance of NOC to the petitioner. The Commissioner (Vigilance), Government of Arunachal Pradesh has issued an order dated 25.02.2020, as regards the issuance of Vigilance Clearance from the Vigilance Department for the purpose of promotion, retirement for release of pension, Deputation, Grant of MACP, application for passport and application for Ex-India Tour which indicates that for regularisation of service, no Vigilance Clearance would be required.

10. Vide an order dated 02.04.2013, the Principle Secretary (Vigilance) Government of Arunachal Pradesh has issued circular as regards the procedure for grant of Vigilance Clearance, which states that to curb the practice of encroachment and demolition, illegal use of public property, it has been decided that Vigilance Clearance for the Government officials for the promotion and for settling retirement dues, No Objection Certificate would be obtained from the concerned Deputy Commissioner, clearly stating that the Government officials shall not encroach upon any Government property nor has caused any damage for abetting encroachment of the public properties by private persons. The said instructions may not also be applicable in the present case as the same is for the purpose of promotion and for settling retirement dues. In any case, if any NOC is required, other than the cases as provided in the above instructions/orders, unless there is any other act which may debar

obtaining of NOC, same cannot be refused only on the ground that the petitioner has applied for allotment of the Government land.

11. Having considered that the petitioner has not encroached any Government land, although may not be a ground for refusal to issue No Objection Certificate (NOC) for the purpose of consideration for regularisation of her service, I am of the considered view that refusal of the Deputy Commissioner to issue NOC to the petitioner cannot stand scrutiny of law. Thus, it may be appropriate to direct the Deputy Commissioner, West Kameng District to consider issuance of NOC to the petitioner.

12. Accordingly, it is directed that the Deputy Commissioner, West Kameng District shall consider and issue No Objection Certificate (NOC) to the petitioner on the basis of the application submitted by the petitioner as forwarded by the Deputy Director School Education, West Kameng District, Bomdila vide an order dated 29.02.2025, within a period of 1(one) month from today.

13. Writ petition stands disposed of in terms of above.

JUDGE

Comparing Assistant