

GAHC040005782026



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

Case No. : WP(C)/182/2026

Himmar Ete
Son of Lt. Shri Minchi Ete,
presently
serving as Executive Engineer
(EE), Office of the Chief Engineer
(CE), Department of Urban
Development and Housing,
Government of Arunachal
Pradesh, Itanagar, Mobile
No.8132939033.

VERSUS

The State of AP and 3 Others
represented by the
Chief Secretary, Government of
Arunachal Pradesh, Civil
Secretariat, Block-I, 1st Floor, itanagar.

2:The Commissioner
Age: 0
Occupation :
Department of Urban Affairs
Government of Arunachal
Pradesh
Block-II
3rd Floor
Room No. 7
Civil Secretariat
itanagar.

3:The Chief Engineer
Age: 0

Occupation :
Department of Urban
Development and Housing

Government of Arunachal
Pradesh
Mowb-II
Itanagar.

4:Rokpo Tamin
Age: 0
Occupation :
Executive
Engineer(EE)
Office of the Chief
Engineer(CE)
Department of
Urban Development and
Housing
Government of
Arunachal Pradesh
Itanagar

Advocate for the Petitioner : 1 A Chowdhury, Tajar Mite,Punyo Harming,Jumge Karbak,Rinchin
Ledo Thungon,K Dorjee,Sr. Advocate

Advocate for the Respondent : GA (AP),

BEFORE
HONOURABLE MR. JUSTICE BUDI HABUNG
HONOURABLE MR. JUSTICE ANJAN MONI KALITA

ORDER

Date : 05.05.2026
(B. Habung, J.)

Heard Mr. A. Chowdhury, learned Senior Counsel assisted by Mr. K. Doji and Mr. J. Karbak, learned counsel appearing for the petitioner. Also heard Mr. S. Tapin, learned Senior Government Advocate appearing for the respondent Nos. 1, 2 and 3.

2. The present writ petition under Article 226 of the Constitution of India has

been placed before this Bench in view of the challenge made to the Superintending Engineer (Common) Recruitment (Amendment) Rules, 2025, framed under the provision to Article 309 of the Constitution of India, along with the challenge to the final inter-se seniority list of Urban Development Officers dated 18.02.2026 and the provisional seniority list of Executive Engineer dated 12.03.2026.

3. It is contended that by the impugned amendment, the merit-based consideration has been done away with and made the seniority criteria from promotion to Superintending Engineer from Executive Engineer which is contrary to the stand/undertaking earlier taken by the State respondents before the Hon'ble Supreme Court and submitted that it adversely affects the petitioner's promotional prospect.

4. Issue notice, returnable within four weeks.

5. As Mr. S. Tapin, learned Senior Government Advocate, has entered appearance and accepted notice on behalf of State respondent Nos. 1, 2 and 3, no formal notice is required to be issued to them. However, the requisite extra copies of the petition shall be furnished to him during the course of the day.

6. The petitioner shall take steps for service of notice upon respondent No. 4 by Speed Post as well as by usual process within a week from today.

7. Having regard to the submissions made and on perusal of the record, in the meantime, it is directed that the impugned final seniority list dated 18.02.2026 and provisional inter-se seniority list dated 12.03.2026 in so far as it relates to the petitioner and respondent No. 4, shall remain stayed and the respondents are restrained from holding DPC for promotion to the post of Superintending Engineer on the basis of the said seniority list till the next returnable date. However, any such promotions to the post of Superintending Engineer shall be made in

accordance with the 2014 Rules and the same shall be subject to the outcome of the writ petition.

8. List after 4 (four) weeks.

JUDGE

JUDGE

Comparing Assistant