

GAHC040015892025



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

Case No. : WP(C)/445/2025

Hano Moda

Son of Hano Talang, presently residing at DFO Quarter, Opposite to DC Banglaw, Komlighat Road, Pasighat, PO and PS Pasighat, East Siang District, Arunachal Pradesh.

VERSUS

The State of AP and 2 Ors

represented by the Principal Secretary, Department of Environment, Forest and Climate Change, Govt of Arunachal Pradesh, Pradesh, Itanagar. 2: The Principal Chief Conservator of Forest and Head of Forest Force

Age: 0

Occupation :

Govt of Arunachal Pradesh
Itanagar.

3: Neeraj Tamuk

Age: 0

Occupation :

Assistant Conservator of Forest (on probation) ACF Mobile Squad
CAC
Pasighat
East Siang District
Arunachal Pradesh

Advocate for the Petitioner : Khoda Tama, Tasso Dodung, Khoda Yubey, T Lampung, Hinti Jeram

Advocate for the Respondent : GA (AP),

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

ORDER**Date : 15.09.2025**

Heard Mr. K. Tama, learned counsel for the petitioner, who submits that the petitioner had earlier filed a writ petition being WP(C) 331(AP)/2025 challenging the order of his posting dated 16.07.2025, on the ground that the private respondent No.3 in that writ petition, who is to be posted in place of the petitioner is only an officer in the Entry Grade of ACF on probation basis and therefore, not eligible to hold the post of DFO, Pasighat, which is held by the petitioner and which is to be manned by an ADCF cadre officer, as per the service rules.

He submits that the Court accordingly, issued notice and at the same time observed that pending representation of the petitioner may also be disposed of, if so advised by the authorities. The said representation has since been disposed of vide order dated 05.09.2025 by rejecting the representation and directing the petitioner to join his new place of posting. In view of such development, the petitioner has filed the instant writ petition.

The learned counsel for the petitioner submits that as already stated by the petitioner, the petitioner cannot be replaced by an officer who is not eligible to hold the post of DFO as per the service rules and therefore, the action of the respondents being in violation of the rules should be interfere with by this Court.

At this stage, Ms G. Ete, learned Additional senior Government

Advocate submits that the petitioner has completed his tenure of posting as DFO, Pasighat and he has been transferred out in the interest of public.

In so far as the contention as to whether ACF probation can hold the post of DFO, she submits that she may be given some time to seek instruction in this regard.

In view of the above, issue notice on motion returnable by 24.09.2025.

Petition to serve requisite extra copies of the writ petition to Ms G. Ete, learned Additional senior Government Advocate, who has accepted notice on behalf of all the respondents except respondent No.3.

Respondent No.3 be issued notice by way of *dasti* mode within 1(one) week from today through the Registry of this Court and thereafter, let affidavit be filed as proof of service. The petitioner shall also take steps for issuance of notice upon the respondent No.3 by Registered post with A/D within 3(three) working days.

Till the returnable date, *status quo* as on date shall be maintained.

List the matter again on **24.09.2025** along with WP(C) No.331(AP)/2025.

JUDGE

Comparing Assistant