

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

**AIZAWL BENCH: AIZAWL**

**W.P.(C) No. 11 of 2013**

Smt. Sanghlupuii,  
Staff Nurse, PHC, Khawlailung,  
H&FW Department,  
Govt. of Mizoram, Aizawl.

**..... Petitioner**

**-Versus-**

1. State of Mizoram represented by the Chief Secretary to the Govt. of Mizoram, Aizawl.
2. The Secretary to the Government of Mizoram, Health & Family Welfare Department, Aizawl.
3. The Director, Directorate of Health Services, Govt. of Mizoram, Aizawl, Mizoram.
4. Jairamthangi,  
Staff Nurse, Civil Hospital, Aizawl,  
Health & Family Welfare Department,  
Govt. of Mizoram, Aizawl.
5. Smt. H. Ramdingliani,  
Staff Nurse, Civil Hospital, Aizawl,  
Health & Family Welfare Department,  
Govt. of Mizoram, Aizawl.
6. Smt. C. Lalremsiami,  
Staff Nurse, CHC, Hnahthial,  
Health & Family Welfare Department,  
Govt. of Mizoram, Aizawl.
7. Smt. Lalremliani Sailo,  
Staff Nurse, CHC, Kawrthah,  
Health & Family Welfare Department,  
Govt. of Mizoram, Aizawl.

8. Smt. C. Lalduhzuali,  
Staff Nurse, Mizoram House, Mumbai  
Health & Family Welfare Department,  
Govt. of Mizoram, Aizawl.
9. Smt. Remlalmuani,  
Staff Nurse, PHC, Reiek,  
Health & Family Welfare Department,  
Govt. of Mizoram, Aizawl.
10. Smt. R. Lalrinpuii,  
Staff Nurse, Civil Hospital, Aizawl,  
Health & Family Welfare Department,  
Govt. of Mizoram, Aizawl.
11. Smt. H. Laltlanthangi,  
Staff Nurse, Civil Hospital, Aizawl,  
Health & Family Welfare Department,  
Govt. of Mizoram, Aizawl.
12. Smt. Lalhmingthangi-III  
Staff Nurse, Civil Hospital, Champhai  
Health & Family Welfare Department,  
Govt. of Mizoram, Aizawl.

..... Respondents

**B E F O R E**  
**THE HON'BLE MR.JUSTICE L.S. JAMIR**

For the petitioner	:-	Mr. C. Lalramzauva, Sr. Advocate, Mr. A.R. Malhotra, Advocate, Mr. K. Laldinliana, Advocate, Mr. Zoramchhana, Advocate, Ms. Lalhruaitluangi, Advocate Chhangte.
For the respondents	:-	Mr. Lalsawirema, G.A., Mizoram for respondent Nos. 1-3.
Date of hearing	:-	<b>02-08-2013</b>
Date of Judgment & Order	:-	<b>02-08-2013</b>

## **JUDGMENT AND ORDER (ORAL)**

Heard Mr. C. Lalramzauva, learned senior counsel assisted by Mr. Johny L. Tochwawng, learned counsel appearing for the petitioner as well as Mr. Lalsawirema, learned Government Advocate, appearing for the respondent Nos. 1, 2 & 3.

[2]. The learned senior counsel appearing for the petitioner submits that the respondents had issued an office order dated 26<sup>th</sup> July, 2012 containing the second provisional interse seniority of Staff Nurse wherein the petitioner has been shown below the respondent Nos. 5-12 without taking into account the period rendered by the petitioner on officiating basis. He also submits that, being aggrieved by the said placement, she had submitted a representation to the Director of Health Service, Mizoram, Aizawl praying for correction of her placement in the said second provisional interse seniority list. The said representation was rejected by the Director, Hospital & Medical Education, Mizoram, Aizawl by letter dated 17<sup>th</sup> December, 2012. Having no alternative, the petitioner has approached this Court challenging the said second provisional interse seniority list of staff nurse issued by the respondent No. 3 vide office order dated 26<sup>th</sup> July, 2012.

He also submits that the present case is fully covered by the judgment and order dated 10.06.2009 passed by this Court in W.P.(C) No. 62 of 2008, judgment and order dated 25.10.2011 passed in W.P.(C) No. 44 of 2011 and also the order dated 6.06.2012 passed in W.P.(C) No. 39 of 2012.

[3]. Mr. Lalsawirema, learned Government Advocate appearing for the respondent Nos. 1 to 3, in his usual fairness has also submitted that the present case is fully covered by the judgment and orders passed by this Court in the aforesaid three cases. He, however, submits that this Court may give an observation that it may not be a bar for the State respondents to incorporate the provisions for counting of seniority of its employees in the concerned service rules. This Court, however, considers it not appropriate to pass such observations inasmuch as amendment of service rules is within the prerogative of the State respondents.

[4]. As submitted by and consented to by both the learned counsels appearing for the parties, this writ petition is disposed of by applying the ratio laid down by this Court in the aforesaid 3 (three) cases. Accordingly, the letter dated 17<sup>th</sup> December, 2012 issued by the Director, Hospital and Medical Education, Mizoram, Aizawl is set aside and quashed. The respondents, particularly, the respondent No. 3 i.e., the Director, Health Services, Mizoram is directed to prepare a fresh interse seniority list of the petitioner vis-à-vis the private respondent Nos. 5-12 on the basis of their respective appointments by taking into

account the period rendered by the petitioner on officiating basis. This shall be done within a period of 2 (two) months from the date of receipt of this judgment and order.

[5]. With the above observations and directions, this writ petition is disposed of. No Cost.

**JUDGE**

*Sushil*