

**IN THE GAUHATI HIGH COURT**  
(HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR,  
TRIPURA, MIZORAM AND ARUNACHAL PRADESH)  
AIZAWL BENCH

**WP(C) No. 114 of 2011**

PETITIONERS :

1. K. Zorammawia  
Lungbial U P/S, Aizawl East.
2. C. Laltleipuii  
Nausel P/S, Aizawl East.
3. Lalngaihawmi  
Ramthar 'N' P/S, Aizawl East.
4. Geeta Chhetri  
Tanhriil Nepali P/S, Aizawl West.
5. Lalvulliani  
Sairang P/S-III, Aizawl West.
6. R. Lalduhawma  
Ailawng P/S, Aizawl West.
7. Rochhingpuii  
Kanan P/S, Aizawl West.
8. Ruth Lalsiamliani  
Lungphun P/S, Aizawl West.
9. Vanlalringi Hnamte  
Dawrpui Model P/S, Aizawl West.
10. C. Lalbiakliana  
Sumsuih P/S-I, Aizawl South.
11. Lalchhanhima  
Samlukhai P/S-II, Aizawl South.
12. Laldanmawia  
Phulpui P/S, Aizawl South.
13. Lianchhingpuii  
Sialsuk P/S-II, Aizawl South.

14. R.L. Vanlalmuani  
Sevenphul P/S, Aizawl South.
15. C. Lalhmingmawia  
Lailak P/S-I, Darlawn.
16. C. Lalnunziri  
New Vervek P/S, Darlawn.
17. H.P. Lalremsanga  
Upper Sakawrdai P/S, Darlawn.
18. Lalngaihsanga  
Vaitin P/S, Darlawn.
19. Lalhminghluna Kawlni  
Sailutar P/S, Darlawn.
20. S. Vanlalhruaia  
Thingsat P/S, Darlawn.
21. T. Lalrinkimi  
Kepran P/S, Darlawn.
22. Vanlalchawia Ralte  
Hmunghak P/S, Darlawn.
23. Vanlalhlun  
N. Vervek P/S, Darlawn.
24. Vanlalrova Ralte  
N. Serzawl P/S, Darlawn.
25. Vanlalzari Ralte  
Ratu P/S-III, Darlawn.
26. C. Laldanglovi  
Phulmawi P/S, Aizawl East.
27. C.K. Siama  
N.E. Tlangnuam P/S, Saitual.
28. H. Zonunsangi  
Saitual P/S-II, Saitual.
29. J. Ramthianghlma  
Zawngin P/S-II , Saitual.
30. Jessy N. Guite  
Daido P/S., Saitual.

31. Lalchhandami  
Sihfa P/S-II, Saitual.
32. Lalhruaizeli  
Keifang P/S-III, Saitual.
33. Lalrodika  
Thanglailung P/S, Saitual.
34. Malsawma Zote  
N. Lungpher P/S, Saitual.
35. B. Rohmingthanga  
Kelkang P/S-I, Champhai.
36. C. Lalrotluanga  
Leithum P/S, Champhai.
37. C. Malsawmdawngi  
Ngur P/S, Champhai.
38. C. Vanlalvunga  
Sazep P/S, Champhai.
39. Lalkristana  
Vaikhawtlang P/S, Champhai.
40. Lalramenga  
Melbuk P/S, Champhai.
41. Lalrindiki  
Tualcheng P/S, Champhai.
42. Lalrintluangi  
Khankawn P/S, Champhai.
43. Lalzawngliana  
N.Khawbung P/S, Champhai.
44. Ngulsiamthanga  
Vapar P/S, Champhai.
45. PB. Vanlalduha,  
Chawngtui 'E' P/S, Champhai.
46. P.C.Hrangsailova,  
Vaphai P/S-I, Champhai.
47. R.Lalhmingthanzauva  
Tuipui P/S, Champhai.

48. R. Vanlaltluanga  
Zawngtetui P/S, Champhai.
49. Rothangliani  
Saikhumphai P/S, Champhai.
50. Sailiantawna,  
Vangchhia P/S, Champhai.
51. Sairumvunga  
Bulfekzawl P/s, Champhai.
52. T. Vanlalduha  
Dilkawn P/S, Champhai.
53. Zodinthara  
Samthang P/S, Champhai.
54. Zosangliana  
Dilkawn P/S – II, Champhai.
55. C. Lalchuangkima  
Puilo P/S, Khawzawl.
56. H. Zosanga  
Sialhawk P/S, Khawzawl.
57. James Hrangthangvunga  
Chhawrtui P/S, Khawzawl.
58. Lalremruata Pachuau  
Khawhair P/S – II, Khawzawl.
59. Lalrohlua Sailo  
Vanchengpui P/S, Khawzawl.
60. Lalthanmawii  
Chiahpui P/S, Khawzawl.
61. Nangsianlal  
Ngaizawl P/S, Khawzawl.
62. Rochungnunga  
Rabung P/S – I, Khawzawl.
63. S.P. Lalfamkima  
Neihdawn P/S, Khawzawl.
64. Vungzasangi  
Teikhang P/S, Khawzawl.

65. C.Ngurnunsangi  
Saipum P/S – II, Kolasib.
66. D.Lahmangaiha  
Kolasib P/S – II, Kolasib.
67. F.Lalremruata  
Builum P/S (Bawktlang), Kolasib.
68. H.Pazawna  
Phainuam P/S – I, Kolasib.
69. K.Lalthazuala  
Suarhliap P/S, Kolasib.
70. Lalrinchhani  
Kolasib P/S – IX, Kolasib.
71. R.Lalthlanpuii  
Vairengte P/S – II, Kolasib.
72. Rohmingliana  
Buhchangphai P/S, Kolasib.
73. Zohmangaihi  
Thingdawl P/S – IV, Kolasib.
74. H.Laltlanthangi  
Bukpui P/S – I, Kawnpui.
75. K.Vanlalhluna  
Lungdai P/S-II, Kawnpui.
76. Lalnuntluanga  
Nepali P/S, Bualpui 'N', Kawnpui.
77. K.Zomuanpuii  
Sialhau P/S, Serchhip.
78. Lalfingi  
Sailam P/S, Serchhip.
79. Lalnithangi  
Chhiahtlang P/S, Serchhip.
80. R.Lalmalsawma  
Hmuntha P/S, Serchhip.
81. T.Kaphnuna  
Chhiahtlang P/S, Serchhip.

82. V.L.Hmuchhuaka  
Bakatawng P/S – III, Serchhip.
83. Hrangbuanga Fanai  
Mualcheng P/S – I, N.Vanlaiphai.
84. R.Zonunmawii  
N.Mualcheng P/S II, N.Vanlaiphai.
85. Robert Zosangliana  
E.Lungdar P/S-II, N.Vanlaiphai.
86. Lalramnghaka  
Bungtlang P/S – II, Thenzawl.
87. Sangliana,  
Neeihloh P/S, Thenzawl.
88. C.Lalhmunliani  
Dampui P/S, Mamit.
89. C.Zothanzami  
Lengte P/S, Mamit.
90. J.Vanlaldinga  
Nghalchawm P/S, Mamit.
91. M.S.Dawngliana  
Darlak P/S, Mamit.
92. P.C.Lalremliana  
Mamit P/S – III, Mamit.
93. Neihluanga  
Pukzing Vengthar P/S, W.Phaileng.
94. Rammuanpuia  
Chhippui P/S-I, W.Phaileng.
95. H.Lalnunmawia  
Hriphaw P/S, Kawrthah.
96. Lallianzuali  
Kawrthah P/s –IV, Kawrthah.
97. M.Kulhengliana  
Rasi Veng P/S – II, Lunglei North.
98. P.C.Chuauhranga  
Chhipphir P/S – II, Lunglei North.

99. Zoramchhanthanga  
Pukpui P/S – II, Lunglei North.
100. B. Lalhmangaihhruaia  
Lungrang P/S – I, Lunglei South.
101. K. Vanlalpawla  
Chithar P/S, Lunglei South.
102. Lalengliana Chawngthu  
Electric P/S – I, Lunglei, Lunglei South.
103. Lalremruata  
Rangte P/S, Lunglei South.
104. C.S. Lalramliana,  
Cherhlun P/S – I, Hnahthial.
105. Lalrokima  
Rawpui P/S, Hnahthial.
106. R. Lalruatpuia  
Dampui P/S, Lungsan.
107. Vanlalpeka,  
Tuisenchhuah P/S, Lungsan.
108. Zothanpuia,  
Thenhlun P/S, Lungsan

By Advocates :

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Mrs. Dinari T. Azyu, Advocate.

RESPONDENTS :

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2. The Secretary to the Government of Mizoram, School Education Department.
3. The Secretary to the Government of Mizoram, Department of Personnel & Administrative Reforms.
4. The Secretary to the Government of Mizoram, Finance Department.

5. The Director of School Education, Government of Mizoram, Aizawl.
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S/o Lalsangzuala, EV Teacher, Ailawng P/S
7. Lalnunhlina,  
S/o H.C.Vanlalchhuanga (L), EV.Teacher, Muallungthu P/S-I.
8. HB Lalbiaktluanga,  
Manliana, EV Teacher, Kanghmun P/S-I.
9. Lalhmingliana,  
S/o Lalsingliana, EV Teacher, Hlimen P/S-III.
10. C.Lanunzira  
S/o C.Liankhuma, EV Teacher, Tachhip P/S.
11. Zodinmawii,  
D/o R.Lalruata, EV Teacher, Dam Veng P/S, Aizawl.
12. Malsawmtluangi,  
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13. R.Lalentu-a,  
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14. R.Ramchhana,  
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15. Zarzoliana,  
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16. PC Lalnunmawia,  
S/o Rohmingthanga, EV Teacher, Sateek P/S.
17. Lalrinawmi,  
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19. R.S.Vanlalnghaka  
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20. K.Lalthanliana,  
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21. Grace Lalrinmawii,  
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22. Ramdinthara,  
S/o Ringliana, EV, Teacher, Pangbalkawn P/S.
23. Lalbiakengi,  
D/o Lalvura, EV, Teacher, Lengpui P/S-I.
24. R.K.Rosangpuii,  
D/o R.K.Nghakliana, EV, Teacher, Lengpui P/S-I.
25. Lalhruaitluangi,  
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29. Kawngkharmawii,  
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30. R.Laldawngkimi,  
D/o R.Lalthawma (L), EV, Teacher, Armed Veng South P/S-I, Aizawl.
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32. R.Lalsangpuii,  
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33. F.Zonunthuami,  
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34. K.Lalhruaitluanga,  
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35. T.Lianhlupuii,  
D/o R.F.Zauva, EV, Teacher, Ramhlun P/S, Aizawl.
36. Rebecca Lalrindiki,  
D/o Rev.Chawnghranga, EV, Teacher Ramhlun South P/S, Aizawl.
37. Lalchammawii Pachuau  
D/o Tlangtinliana Pachuau, EV, Teacher, L.M. P/S, Ramhlun, Aizawl.
38. Vanlalnalhi Renthlei,  
D/o Rorellana, EV, Teacher, Zuangtui P/S, Aizawl.

39. Rosalyn Zomuanpuii  
D/o Martin Lalhmanga, EV, Teacher, Bawngkawn P/S-Iv, Aizawl.
40. Laltlanmawii Fanai,  
D/o F.Lalnggheta, EV, Teacher, Bawngkawn P/S, Aizawl.
41. C.Lalthazuala,  
S/o C.Remsiama, EV, Teacher, Sihphir P/S-III, Aizawl.
42. Vanlalngghaka,  
S/o Lalmuana, EV, Teacher, Sihphir P/S-III, Aizawl.
43. K.Lalremruati,  
D/o K. Vanlalaauva, EV, Teacher, Sihphir P/S-IV, Aizawl.
44. C.Lalremruati,  
D/o C.Zoramthanga, EV, Teacher, Republic P/S-I, Aizawl.
45. Zosangpuii,  
D/o Lalchhuanmawia, EV, Teacher, Chaltlang Lily Veng P/S-III, Aizawl.
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47. PC Lalfakzuali,  
D/o Keikapthanga Pachuau (L), EV, Teacher, College Veng P/S, Aizawl.
48. C.Lalremruata,  
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49. H.Malsawmthangi,  
D/o H.Lalringliana, EV, Teacher, Sakawrtuichhun P/S-I, Aizawl
50. Vanlalchhawni,  
D/o Darhmingthanga, EV, Teacher, Sakawrtuichhun P/S-II, Aizawl.
51. H.Lalmuanpuii,  
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52. Lalhuliani,  
D/o C.Lalzawnga, EV, Teacher, Sakawrtuichhun P/S-II, Aizawl.
53. C.Lalhunmawii,  
D/o C.Thanthuama, EV, Teacher, Reiek P/S-II, Aizawl.
54. Jecelyn Lalremtluangi,  
D/o H.Thawma, EV, Teacher, Zohnuai P/S Vaivakawn, Aizawl.
55. Lalthanmawia,  
S/o Ropuiliana, EV, Teacher, Tanhril P/S-II, Aizawl.

56. Vanlalruata Ngente,  
S/o Ng.Rotluanga, EV, Teacher, Rulpuihlum P/S,Aizawl.
57. Lalremsangi Sailo,  
D/o Zamvela Sailo, EV, Teacher,Rangvamual P/S, Aizawl.
58. Vanlalringi,  
D/o Gosiama, EV,Teacher, Chawnpui P/S, Aizawl.
59. Zairemmawii,  
D/o R.T.Nghaka, EV, Teacher,Chawnpui P/S, Aizawl.
60. K.C.Laldingliani,  
D/o Doliana, EV,Teacher, Zarkawt P/S, Aizawl.
61. C.Lalrempuii,  
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62. T.Lalparmawii,  
D/o T.Thanchhunga, EV,Teaacher, Tuikual P/S-III, Aizawl.
63. Mary Lalmalsawmi,  
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64. Lalruatkimi Khiangte,  
D/o K.Zoliana, EV,Teacher, Modern English School, Nursery, Aizawl.
65. Vanlalkima,  
S/o Denglianachama, EV, Teacher, Lungleng-I, P/S, Aizawl.
66. R.Lalremsangi,  
D/o R.Lalsailova, EV,Teacher, Hlimen P/S-I, Aizawl.
67. H.Zorinmawii,  
D/o Vanlaluapa, EV,Teacher, Hlimen P/S-I, Aizawl.
68. Lalhlimpuii,  
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69. Malsawmdawngliana,  
S/o Rosiama, EV, Teacher, Thiak P/S-I, Aizawl.
70. R.Lalthakimi,  
D/o R.Zadenga, EV, Teacher, Melriat P/S, Aizawl.
71. Lalrintluangi,  
D/o Saihmingliana,  
EV, Teacher, Falkawn P/S, Aizawl.
72. Zorempuii Fanai,  
D/o H.f.Rohlupaia, EV, Teacher, Falkawn P/S, Aizawl.

73. ZD Lalhriatpuia,  
S/o J.Lalchhuana, EV,Teacher, Sateek P/S, Aizawl.
74. Lalbiakfeli,  
D/o B.Lalmawia, EV, Teacher, Maubuang P/S, Aizawl.
75. Vanlaltleipuii,  
D/o Lalrochhunga, EV,Teacher, Chawilung North P/S, Aizawl.
76. C.Lalramliana,  
S/o C.Lalthankima, EV, Teacher, North Lungleng P/S, Aizawl.
77. Zodinsangi,  
S/o P.S Thanchungnunga, EV,Teacher, Muallungthu P/S-III, Aizawl..
78. C.Lalnunthianghlina,  
S/o Sanghawna, EV,Teacher, Khawpuar P/S Darlawn.
79. H.Lalhmingmawia,  
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80. H.Lalnunzira,  
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81. H.Rambuatsaiha,  
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82. H.Zon unmawii,  
D/o Hrangthanzuala, EV, Teacher, Thingsat P/S, Darlawn.
83. Laldinliani,  
D/o Rozika, EV, Teacher, Sailutar P/S, Darlawn.
84. Linda Zothanpuui,  
D/o J.Bawlliana, EV, Teacher, Suangpuilawn P/S-I, Darlawn.
85. P.C.Roluanpuui,  
D/o P.C.Rochungnunga, EV,Teacher, Khawruhliana P/S-IV, Darlawn.
86. P.C.Lahlunchhungi,  
D/o P.C.Lalbuatsaiha, EV,Teacher, Zawngin P/S, Saitual.
87. Lalruatpuui,  
D/o LT Zothankhuma, EV, Teacher, Keifang P/S, Saitual.
88. Golden Lalremtluangi,  
D/o Lalvuana, EV, Teacher, Hmunhmeltha P/S, Champhai.
89. H.Lianzami,  
D/o Rokima, EV,Teacher, Zawlsei P/S, Champhai.

90. J.Lalremruati,  
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91. K.Jacob,  
K.Rotlinga, EV, Teacher, Lungphunliana P/s Champhai.
92. Zoengmawii,  
D/o Englawma, EV, Teacher, Khuangthing P/S-I, Champhai.
93. Laldinpuii,  
D/o R.Chhuanthanga, EV, Teacher, Khuangthing P/S-II, Champhai.
94. Lalruatfeli,  
D/o Mangthanliana, Ev, Teacher, Vanzau P/S, Champhai.,
95. Lalthazuali Pachuau,  
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96. Michael Lalfakawma,  
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97. R.Lalfakawma,  
S/o R.Lalbiakthanga, EV, Teacher, Thekpui P/S, Champhai.
98. P.C.Lalthapuii,  
D/o P.C. Zakhuma, EV, Teacher, Samthang P/S, Champhai
99. Thangkima,  
S/o daingina, EV, Teacher, K.M. P/S, Khuangleng, Champhai.
100. Vanlalchhuangi,  
D/o L.T.Hriata, EV, Teacher, Dilkawn P/S-II, Champhai.
101. Zohmingthangi,  
D/o Lalthanzama, EV, Teacher, Kelkang P/S-II, Champhai.
102. H.Lianhmingthanga,  
S/o H.Thangkhuma, EV, Teacher, Khawhai P/S-III, Khawzawl.
103. C.Lalrempuii,  
D/o C.L. Ruata, EV, Teacher, Chawngtlai, P/S-I, Khawzawl.
104. K.Lalrinpuii,  
D/o Vanlalringa(L), EV, Teacher, Neihdawn P/S-I, Khawzawl.
105. Lalhriatpuii Renthlei,  
D/o R.Laldailova, EV, Teacher, Khawhai P/S-IV, Khawzawl.
106. Lalmuankimi,  
D/o Thanmawia, EV, Teacher, Arro P/s, Khawzawl.

107. Lalramhlunmawii,  
D/o Saihrang Colney, EV, Teacher, Biate P/S-I, Khawzawl.
108. Lalramnghaki,  
D/o Thangbuaia, EV, Teacher, Mimbung P/S-I, Khawzawl.
109. Lalrozami Ralte,  
S/o Saithanmawii, Ev, Teacher, Tlangpui Khawzawl.
110. Zoramthanga,  
S/o Thakima, EV, Teacher, Tlangpui P/S, Khawzawl.
111. Lalthlengliani,  
S/o Sappela (L), EV, Teacher, Hmuncheng P/S, Khawzawl.
112. Lucy Lalmuanzovi,  
D/o Ngurkhuma Ralte, EV, Teacher, Vangtlang P/S, Khawzawl.
113. P.C.Laltanpuii,  
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114. R.Lalramdingngheta,  
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115. R.Zachama,  
S/o R.Zahlira, EV, Teacher, Riangtlei P/S, Khawzawl.
116. Lalnunpuii,  
D/o V.K.Thanga, EV, Teacher, N.E.Khawdungsei P/S, Khawzawl.
117. Thangchhingpuii Khiangte,  
D/o Laltinhriata(L), EV, Teacher, Kawlculh P/S-V, Khawzawl.
118. Zoremthluangi Khiangte,  
D/o K.Lalbiakliana, EV, Teacher, Lungtan P/S, Khawzawl.
119. Lalbiaksangi,  
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120. Zothanpuii,  
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124. Zothansangi,  
D/o K.Vanlalsiama, EV,Teacher, Thningthelh P/S, Kolasib.
125. Lalhlimpuii,  
D/o V.L.Ruata, EV, Teacher, E.M.S. P/S-III, Kawnpui.
126. Lalremmawii Ralte,  
D/o Sangliankhuma (L), EV,Teacher, Kawnpui P/S-IV, Kawnpui.
127. Joyce Lalsawmliani,  
D/o Lalchuanmawia,EV,Teacher, Kawnpui P/S-V, Kawnpui.
128. Chhunglawma,  
S/o Mantawna, EV, Teacher, Bukpui P/S-I, Kawnpui.
129. Lalthachuallovi,  
D/o K.Rozara, EV,Teacher, Mualkhang P/S, Kawnpui.
130. TC Lalsangzuala,  
S/o TC Lalsangzuala, EV,Teacher, NIsapui P/S, Kawnpui
131. K.Zodingliana,  
S/o K.Remlianzuala, EV, Teacher, Chhiahtlang P/S-IV, Serchhip.
132. B.Lalfakzuala,  
S/o B.Dangliana, EV, Teacher, Vanchengte P/S, Serchhip.
133. Lalrinawma Pachuau,  
S/o Razema, EV,Teacher, Thentlang P/S, Serchhip.
134. Zoremsiama,  
S/o Thangkhuma, EV, Teacher, Hmawngkawn P/S, Serchhip.
135. C.Lalrinpuii,  
D/o C.Rosanga, EV, Teacher, Bawktlang P/S, N.Vanlaiphai.
136. Esther Vanneihltuangi,  
D/o C.Ralkapzauva, EV, Teacher, Lungkawlh P/S, N.Vanlaiphai.
137. R.Lalenkawli,  
D/o R.Lalrema, EV, Teacher,Lungkawlh P/S, N.Vanlaiphai.
138. T.Ramdinthari,  
D/o T.Rochungnunga, EV, Teacher, North Mualcheng P/S-II,  
N.Vanlaiphai.
139. Sanghmingthanga,  
S/o Thangthunga, EV,Teacher, Saikhawthlir P/S, Mamit.
140. Lalhumliana Sailo,

S/o Rohlira Sailo, EV, Teacher, BAwngva P/S, Mamit.

141. Lalnuntluangi Ralte,  
D/o Thanghluna, EV, Teacher, Dampui P/S, Mamit.
142. Solomon Sailianpuia Sailo,  
S/o Ngurliana Sailo, EV, Teacher, Tuahzawl P/S, Mamit.
143. Lalnunpari Varte,  
D/o Lallawmawma Varte, EV, Teacher, College Veng P/S, Lunglei North.
144. V.Lalawmpuii,  
D/o V.Lalnuntluanga, EV, Teacher, Sazaikawn P/S, Lunglei North.
145. F.Lallawmzuala,  
S/o F.Sangkhuma, EV, Teacher, Sazaikawn P/S, Lunglei North.
146. C.Lalmalsawma,  
S/o C.Lalngaihthanga, EV, Teacher, Mualthuam North P/S-III, Lunglei North.
147. C.Zothanmawii,  
D/o C.Zokhumthanga, EV, Teacher, Changpui P/S, Lunglei North.
148. H.Esther Lalhruaipuii,  
D/o H.Zadinglana, EV, Teacher, Dengsur P/S, Lunglei North.
149. J.Zonunmawia,  
S/o Hranglana, EV, Teacher, Lungchem P/S, Lunglei North.
150. C.Vanromawia,  
S/o C.Zohranga, EV, Teacher, Lungchem P/S, Lunglei North.
151. Lalzuitluangi,  
D/o Vanbuanga, EV, Teacher, Haulawng P/S-I, Lunglei North.
152. Lalkrosmawii Sailo,  
D/o Saihlira Sailo, EV, Teacher, Haulawng P/S-III, Lunglei North.
153. K.Lalramsanga,  
S/o K.H.Tialthanga, EV, Teacher, Haulawng P/S-III, Lunglei North.
154. K.Lalrinawmi,  
D/o K.Lalsanglana, EV, Teacher, Buarpui P/S-II, Lunglei North.
155. Lalremsangi Ngente,  
D/o Ng. Lalkailiana, EV, Teacher, Buarpui P/S-II, Lunglei North.
156. L.H. Vanhmingliani,  
D/o L.H.Rothanglana, EV, Teacher, Thehlelep P/S, Lunglei North.



157. R.Malsawmkimi,  
D/o R.Khumchhinga, EV,Teacher, South Khawlek P/S, Lunglei North.
158. Laldinthari Ralte,  
D/o R. Lungmuana, EV,Teacher, New Khawlek P/S, Lunglei North.
159. Lalthianghlma,  
S/o Biakthanga, EV, Teacher, Sertlangpui P/S, Lunglei North.
160. P.C. Zonunmawii  
D/o P.C. Vanlalruata (L), EV, Teacher, Rahsi Veng P/S-II, Lunglei North.
161. R. Lalrengpuii  
D/o R. Lalkhawchana, EV, Teacher, Lungdai South P/S, Lunglei North.
161. V. Lalremsiami  
D/o V. Liantluanga, EV, Teacher, College Veng P/S, Lunglei North.
162. Z.D. Denghmingthangi  
D/o Z.D. Thanzauva, EV, Teacher, Zotuitlang P/S, Lunglei North.
163. C. Lalmalsawmzuali  
D/o C. Lalchungnunga, EV, Teacher, Zohnuai P/S-I, Lunglei North.
164. K. Lalmuanzovi  
D/o K. Sapchhawna, EV, Teacher, Serte P/S, Lunglei North.
165. R. Lalmangaihsangi  
D/o R. Lalduha, EV, Teacher, Mausen P/S, Lunglei North.
166. Z.D. Lalengmawii  
D/o Z.D. Sangliana, EV, Teacher, Serkawn P/S, Lunglei North.
167. F. Vanlaldiki  
D/o F. Ngaihkhumma, EV, Teacher, Runtung P/S, Lunglei South.
168. Lalthanpari Ralte  
D/o R. Lalrinchhana, EV, Teacher, Runtung P/S, Lunglei South.
169. Lalrammawii Ralte  
D/o R. Lalrodinga, EV, Teacher, Hauruang P/S-I, Lunglei South.
170. Michael Vanlalrochama Fanai  
S/o F. Vanlalhriata, EV, Teacher, Hauruang P/S-II, Lunglei South.
171. C. Lalremruata  
S/o C. Hrangmuana, EV, Teacher, Thingfal P/S-I, Lunglei South.

172. C. Laltlankimi  
D/o C. Lianngaia, EV, Teacher, Salem P/S, Lunglei South.
173. C. Zothanpuui  
D/o C. Thansanga, EV, Teacher, Vaisam P/S, Lunglei South.
174. K. Laltlansangi  
D/o K. Lalmangaiha, EV, Teacher, Dawn P/S, Lunglei South.
175. F. Lalthanpari  
D/o F. Lianchhunga (L), EV, Teacher, Vaisam P/S, Lunglei South.
176. CH. Lalhmunmawii  
D/o CH. Zasanga, EV, Teacher, Electric P/S-I, Lunglei South.
177. Lalnuntluangi Sailo  
D/o Lalkhama Sailo, Place of Posting:Electric P/S-II, Lunglei South.
178. Esther Lalmuanpuui Khiangte  
D/o F. Lalneihthanga, EV, Teacher, Hlumte P/S, Lunglei South.
179. F. Biakhlupuii  
D/o Lalrithanga, EV, Teacher, Chanmari P/S-I, Lunglei South.
180. Lalrinengi Ralte  
D/o R.L. Ramthanga, EV, Teacher, Chanmari P/S-II, Lunglei South.
181. H. Vanlalruati  
D/o H. Hranghmingthanga, EV, Teacher, Lungpuizawl P/S, Lunglei South.
182. Laldingngheti Renthlei  
D/o R. Lalrindika, EV, Teacher, Ralvawng P/S, Lunglei South.
183. T. Lalnunpuui  
D/o T. Lalnunsiam, EV, Teacher, Ralvawng P/S, Lunglei South.
184. P.C. Lalchhawntluangi  
D/o P.C. Lalhmingthanga, EV, Teacher, Thangte P/S, Lunglei South.
185. P.T. Lalhnehpuui  
D/o P.T. Kapbuanga, EV, Teacher, Theiriat P/S-II, Lunglei South.
186. T.F. Lalbiaktluanga  
S/o T.F. Pianglawma, EV, Teacher, Thlengang P/S, Lunglei South.
187. Laldingngheti  
D/o J. Lallunghnema, EV, Teacher, Lungrang P/S-I, Lunglei South.
188. K. Lalramdinpuia  
S/o K. Lalhlira, EV, Teacher, South Vanlaiphai P/S-II, Hnahthial.

189. Lalrothuama  
S/o H. Lianzuala, EV, Teacher, South Vanlaiphai P/S-II, Hnahthial.
190. F. Lalruatpuii  
D/o Saithanga, EV, Teacher, Lungpuitlang P/S, Hnahthial.
191. H. Lalramenpuia  
D/o H. Lalthlenglawma, EV, Teacher, Hnahthial P/S-I, Hnahthial.
192. P. Lalnunpuia  
D/o P. Lalhmangaiha, EV, Teacher, Hnahthial P/S-I, Hnahthial.
193. R.K. Rosangliana  
S/o R. Rochhuma, EV, Teacher, Thiltlang P/S-I, Hnahthial.
194. J.C. Lalfakzuala  
S/o J. Rokhuma, EV, Teacher, Thiltlang P/S-II, Hnahthial.
195. K. Lalrawngbawla  
S/o K. Kapthuama, EV, Teacher, Lungleng South P/S, Hnahthial.
196. Laltlanmawia  
S/o Thanghrima, EV, Teacher, Tarpho P/S, Hnahthial.
197. P.C. Lalengvari  
D/o Ch. Romawia  
EV, Teacher, Thingsai P/S-IV, Hnahthial.
198. Z.D. Ramdinpuui  
D/o Z.D. Thangridema, EV, Teacher, Pangzawl P/S-I, Hnahthial.
199. F. Zodingpuui  
D/o F. Hrangzuala, EV, Teacher, Aithur P/S, Hnahthial.
200. B. Lalengkima  
S/o B. Lalbiakvela, EV, Teacher, Lungsen P/S-II, Lungsen.
201. C. Lalnunkima  
S/o C. Lalhluna, EV, Teacher, Chawilung South P/S, Lungsen.
202. C. Malsawmkimi  
D/o C. Sangliana, EV, Teacher, Bunghmun P/S-II, Lungsen.
203. K. Lalruatdiki  
D/o K. Zahnuna, EV, Teacher, Kawnpui West P/S, Lungsen.
204. K. Lalthangmawia  
S/o K. Zahnuna, EV, Teacher, Dampui South P/S, Lungsen.
205. K. Vanlalngaii

EV, Teacher, Tlabung P/S-IV, Lungsan.

206. Lalmuanpuii

D/o Lalnunsanga, EV, Teacher, Bunghmun P/S-I, Lungsan.

207. P. Lalengkima

S/o Zosangliana, EV, Teacher, Tleu P/S, Lungsan.

208. P.C. Sanghmingthangi

D/o P.C. Lianzuala, EV, Teacher, Darngawn West P/S, Lungsan.

209. Rebecca Lalfakawmi Tlau

D/o T. Lalzarzova, EV, Teacher, Tlabung P/S-II, Lungsan.

210. Sangpuii Poonte

D/o Zalawma Poonte, EV, Teacher, Tlabung P/S-II, Lungsan.

By Advocates:

Mr. Lalsawirema, Govt. Advocate, Mizoram for respondent Nos.1 to 5.

Mr. C. Lalramzauva, Sr. Advocate,

Mr. A.R. Malhotra, Advocate for respondent Nos.6 to 210.

**BEFORE**  
**HON'BLE MR. JUSTICE UJJAL BHUYAN**

Date of hearing : 17.1.2013 and 18.1.2013

Date of judgment and order : 18.1.2013

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

One hundred and eight (108) petitioners have joined together and have filed the present writ petition seeking a direction upon the respondents to consider their case for regularization as primary school teachers. They have also challenged that part of the communication dated 28.9.2011 issued by the Under Secretary to the Govt. of Mizoram, School Education Department whereby 166 posts were directed to be filled up by way of open advertisement.

2. Petitioners were appointed in June, 2001 as primary school teachers under Operation Blackboard scheme (OBB), which was a Centrally Sponsored scheme (CSS). Their appointments were co-terminus with the subsistence of the scheme. Petitioners continued in their service till the year 2003 when the OBB scheme was discontinued. Thereafter, they were engaged as school teachers under the Sarva Shiksha Abhiyan (SSA) scheme on contract basis in June, 2003. Such appointments continued till May, 2008, when the Central Govt. stopped reimbursement of funds under the SSA scheme. Petitioners were

then engaged as primary school teachers on contract basis by the State Govt. w.e.f. 1.6.2008 and they are continuing as such till date.

3. Forty four (44) persons who were appointed as primary school teachers like the present petitioners under the OBB scheme had approached this Court by filing WP(C) No. 161/2002, challenging discontinuance of their service w.e.f. 1.4.2002 and seeking a direction for their absorption in the post of primary school teacher w.e.f. 1.4.2002 with all service benefits. A Single Bench of this Court by the judgment and order dated 8.4.2004, directed consideration of their case for absorption against present or future vacancy and till they were absorbed or adjusted in phased manner according to their seniority, the State respondents were directed not to make any direct recruitment to the vacant posts without first considering the case of those petitioners as per seniority and any other criteria as may be laid down.

4. Long thereafter, a high level meeting was held in the office chamber of the Chief Minister, State of Mizoram on 8.9.2008, wherein it was decided amongst others that an arrangement should be made to count the service conditions of the contract teachers from their initial appointment under

the OBB scheme and that in this regard, proposal for their regularization should be submitted to the Government.

5. Director of School Education, Mizoram by communication dated 9.7.2010, submitted proposal for regularization of the contractual primary school teachers to the Govt. of Mizoram in the School Education Department. As per the said proposal, all the contract teachers numbering 171, including the present petitioners were required to be considered for regularization. The proposal was vetted by the Deputy Director of Accounts.

6. Instead of approving such proposal, the Govt. of Mizoram in the School Education Department issued letter dated 28.9.2011 to the Director of School Education, Mizoram conveying the decision of the Govt. to fill up 216 posts of primary school teacher on regular basis pursuant to judgment of this Court in WP(C) No. 161/2002 and WA No. 6/2010. It was stated that 50 teachers covered by the judgment of this Court in WP(C) No. 161/2002 should be absorbed subject to verification about their continuing engagement. The remaining 166 posts (216-50=166) were directed to be filled up by way of open advertisement in accordance with existing Recruitment Rules.

7. Aggrieved, the petitioners have filed the present writ petition seeking the reliefs as indicated above.

8. Petitioners have contended that they are similarly placed like the petitioners of WP(C) No. 161/2002 and, therefore, similar benefits should be extended to them. Though they were initially appointed under the OBB scheme, such appointments were preceded by due recruitment process which was conducted under the Mizoram Education and Human Resources Department (Group 'C' Post) Recruitment Rules, 1996 which was then holding the field. Before they were appointed, petitioners were not informed earlier that the recruitment was for appointment under the OBB Scheme. Only after the selection was over, they were appointed under the OBB Scheme. They have continued as primary school teachers either on temporary basis or on contract basis for more than 10 years now without the aid of any Court order. Action of the State in excluding them from the benefits of regularization is arbitrary and unreasonable.

9. Writ petition has been resisted by the State respondents as well as by the impleaded respondent Nos.6 to 210, who have filed separate affidavits.



10. State respondent Nos. 1 to 5 in their counter affidavit have highlighted the nature of appointment of the petitioners. It is contended that appointment of the petitioners both under the OBB scheme as well as under the SSA scheme were co-terminus with the schemes. However, when the Central Government had stopped funding the SSA scheme, the State Govt. on due consideration of the service rendered by the petitioners under the aforesaid scheme appointed them afresh under the State Govt. on contract basis. In paragraph 5, it is stated that the State respondents had made all efforts to retain the services of 171 temporary teachers appointed under the aforesaid scheme and continued to engage them on contract basis till date. Stand taken is that Govt. of Mizoram in exercise of powers conferred under the proviso to Article 309 of the Constitution of India has framed a scheme of regularization, which is called "The Government of Mizoram Regularization of Contract Employees Scheme, 2008", providing for earmarking of 20% of the posts under the direct recruitment quota for the contract employees for regularizations. All the contract employees under the Govt. of Mizoram including the petitioners would be considered for regularization in terms of the above scheme. However, as per the

said scheme, appointment under the centrally sponsored schemes is not counted towards the qualifying contractual service period of 5 years necessary to consider regularization. Since the petitioners were appointed on contract basis under the State Govt. w.e.f 1.6.2008, they would complete the qualifying period on 1.6.2013. In deference to the judgment of this Court rendered in WP(C) No. 161/2002, Govt. has decided to regularize 41 of the petitioners of that case in terms of the Regularization Scheme. The remaining posts (216-41=175) are required to be filled up by way of open recruitment on the basis of the new Recruitment Rules which has now come into force.

11. Respondent Nos. 6 to 2010 were appointed as Education Volunteers by the State. They had filed a writ petition being WP(C) No. 25/2009 seeking a direction to the State respondents to treat them as primary school teachers and to give them regular scale of pay of primary school teachers. This Court by the judgment and order dated 19.2.2010 did not accept the prayer of respondent Nos. 6 to 210. It was held that the post of Education Volunteer to which the petitioners were appointed were not borne out of the Recruitment Rules holding the field and, therefore, no direction for regularization as primary

school teachers could be issued. However, the State respondents were directed to fill up the vacant posts of primary school teachers expeditiously. Respondent Nos. 6 to 2010 appealed against the aforesaid judgment, which was registered as WA No. 6/2010. However, a Division Bench of this Court by order dated 25.3.2010, declined to interfere with the judgment of the Single Bench. In their counter affidavit, respondent Nos. 6 to 2010 have resisted the prayer of the petitioners. It is contended that there is no illegality in the decision of the State respondents to go for regular recruitment which should be conducted as per the Mizoram Education and Human Resources Department (School Education) (Group 'C' Posts) Recruitment Rules, 2003, which has repealed the earlier Rules of 1996.

12. Petitioners have filed separate but identical reply affidavits to the two counter affidavits filed by the two sets of respondents. While reiterating the contentions advanced in the writ petition, it is further stated that the judgment of this Court in WP(C) No. 161/2002 had attained finality and, therefore, the State respondents are duty bound to ensure compliance thereof in its entirety in which case, the present petitioners would also be entitled to a similar

consideration. It is further stated that though the State respondents have stated that the remaining 166 posts would be filled up by way of open advertisement, petitioners apprehend that in the name of open advertisement, respondent Nos. 6 to 210 would be appointed in view of the letter dated 16.5.2012 of the Under Secretary to the Govt. of Mizoram, School Education Department (Annexure-III to the counter affidavit of respondents 1 to 5) whereby he intimated the Director of School Education that 41 petitioners of WP(C) No. 161/2002 should be absorbed on regular basis against the 216 posts and the remaining 175 posts ( $216-41=175$ ) by filled up exclusively from the petitioners of WP(C) No. 25/2009.

13. Heard Mr. N. Sailo, learned Sr. counsel assisted by Mrs. Dinari T. Azyu, learned counsel for the petitioners. Also heard Mr. Lalsawirema, learned Govt. Advocate for respondent Nos. 1 to 5. Mr. C. Lalramzauva, learned Sr. counsel assisted by Mr. A.R. Malhotra, learned counsel appears for respondent Nos. 6 to 210.

14. Mr. Sailo, learned Sr. counsel for the petitioners submits that the action of the State respondents in excluding the petitioners from regularization is

devoid of reason and is clearly discriminatory. He submits that the petitioners are similarly placed like the petitioners of WP(C) No. 161/2002 and, therefore, they are also entitled to a similar consideration. It is the contention of the learned Sr. counsel that in view of the judgment of this Court, as noticed above, without considering the case of the petitioners, the State respondents are debarred from going for fresh recruitment. He further submits that the service rendered by the petitioners initially under the OBB scheme and thereafter under the SSA scheme cannot be overlooked. Petitioners have rendered more than 10 years of service without the aid and assistance of any Court order. He, therefore, prays for a positive direction from this Court to consider regularization of service of the petitioners. In support of his submission, Mr. Sailo has referred to a decision of the Hon'ble Supreme Court in the case of State of Karnataka and Others Vs. M.L. Kesari and Others reported in (2010) 9 SCC 247.

15. Mr. Lalsawirema, learned Govt. Advocate, per contra, submits that case of the petitioners can only be considered under the Regularization Scheme of 2008. No direction can be issued to consider regularization of the petitioners in violation of the law. He submits that petitioners are still continuing on contract

basis and they will attain eligibility for consideration for regularization under the regularization scheme w.e.f. 1.6.2013. Government has never said or taken the stand that the case of the petitioners will not be considered for regularization. At the same time, the hopes and aspirations of a large number of candidates who are in a que seeking appointment through the regular process cannot also be overlooked. In support of his submissions, learned counsel for the Govt. has referred to the following judgments of the Hon'ble Supreme Court:-

- 1) AIR 1995 SC 705, Chandigarh Administration and another  
Vs. Jagjit Singh and another.
- 2) (2010) 4 SCC 460, Poonam Vs. Sumit Tanwar.

16. Mr. C. Lalramzauva, learned Sr. counsel appearing for the private respondents submits that as per the new Recruitment Rules of 2003, petitioners do not have the requisite eligibility criteria, which is Higher Secondary School Leaving Certificate/Pre-University Certificate with Diploma/Certificate in Teachers Education of a duration of not less than 2 years or Bachelor of Elementary Education. He submits that the prayer of the petitioners besides being untenable

is also contrary to the law laid down by the Apex Court. Petitioners cannot claim regularization as a matter of right. Petitioners cannot also prevent the State from going ahead from conducting recruitment under the Recruitment Rules. Since a regularization scheme is in place, case of the petitioners can only be considered under such a scheme. He submits that as per the decision in Secretary, State of Karnataka and Others Vs. Umadevi (3) and Others reported in (2006) 4 SCC 1, petitioners have no right of regularization. He further submits that petitioners have also not completed 10 years of continuous service on the date of delivery of judgment in Umadevi (supra). He, therefore, prays for dismissal of the writ petition.

17. In his brief reply, Mr. Sailo, learned Sr. counsel for the petitioners submits that case of the petitioners would be fully covered by the decision in M.L. Kesari (supra). He submits that as the judgment of this Court in WP(C) No. 161/2002 had attained finality, the State having not filed any appeal, the State respondents are duty bound to consider the case of the petitioners treating them at par with the petitioners of WP(C) No. 161/2002.

18. Submissions made have been considered.

19. Since the very basis of the petitioners case rest on the judgment of this Court in WP(C) No. 161/2002, it would be apposite to refer to the said judgment and briefly dilate on the same. The petitioners in WP(C) No. 161/2002 had approached this Court at a stage when their services were sought to be discontinued on the discontinuation of the OBB scheme. The prayer was to absorb them against the post of temporary school teachers w.e.f 1.4.2002 with all service benefits. Though this Court by the judgment and order dated 8.4.2004, declined to issue mandamus to the respondents to continue the service of those petitioners irrespective of expiry of the scheme and the plan, none-the-less, in the facts and circumstances of the case, took the view that it would be just and proper if the State Govt. considered the case of those petitioners for absorption against present or future vacancies according to their seniority and without considering their case, not to resort to any direct recruitment against the vacant posts. The relevant portion of the said judgment is quoted hereunder:-

“15. In the instant case also the petitioners were appointed for a specific duration under the OBB scheme and their services were co-terminus with the expiry of the scheme under the



9<sup>th</sup> plan. Their continuation in service under SSA scheme under the 10<sup>th</sup> plan is also for specific duration. Such appointments being temporary in nature along with the scheme, the same necessarily implied the dispensation of their service with the expiry of the scheme. Merely because they continued in their service under the scheme, no indefeasible right is created in their favour for regularization of their services. The aforesaid decision of the Apex Court squarely covers the instant case. The Demi-official letters referred to and relied upon by the petitioners cannot come to their aid in absence of any policy decision taken by the respondents to absorb the petitioners. Absorption or regularization in service necessarily implies availability of vacancies or creation of vacancy by the authority. To create or not to create posts is the absolute prerogative of the State Govt. and the petitioners cannot force the respondents to absorb them and/or regularize their services irrespective of the vacancy position and policy decision.

16. Although it has been held that the petitioners cannot claim regularization of their services and for that matter setting aside and quashing of the impugned order dated 26.03.02, but they cannot be denied of their right for consideration of absorption against present or future vacancies. The petitioners have already rendered 5 years of service and have gain enough experience as Primary School Teachers. They had entered into their services naturally with expectation that the scheme would continue and there would be future employment opportunity for them. Unfortunately that was not to be so and their services had to be dispensed with in absence of Central assistance by way of providing fund. Fortunately enough the Central Govt. provided yet another scheme called SSA in which the petitioners have been considered and have been continued in service. However, as in the earlier occasion this time also they have been adjusted against a particular scheme with a particular span of life. It will be just and proper if the State Govt. consider the case of the petitioner for

absorption against future vacancies according to their seniority. For such absorption the petitioners may be provided with age relaxation and counting of their experience they have already earned. At one stage they were sought to be considered for absorption against 28 vacancies as noticed above. However, the same could not be materialized due to reasons known to the respondents. The respondents in their affidavit have expressed their inability to continue the services of the petitioners due to financial crunch and no mandamus can be issued to them for creation of posts or filling up of vacancies to accommodate the petitioners. As already observed above, it is within the exclusive domain of the State Govt. to fill up or not to fill up the available vacancies. At the same time the State Govt. cannot be oblivious of their duty and responsibility cast on them towards consideration of the case of the petitioners. It is in this context, it has been provided that the respondents may consider the case of the petitioners for their absorption against present or future vacancies

and till the petitioners are absorbed or adjusted in phased manner according to their seniority, the respondents may not resort to any direct recruitment to the vacant posts, be it present or future without first considering the case of the petitioners for absorption as per seniority and any other criteria as may be laid down. If at all any process of selection by way of direct recruitment is required to be initiated to fill up the present or future vacancies under compelling reasons without first considering the case of the petitioners for their adjustment or absorption, they shall be given age relaxation and due weightage of their past experience and training."

20. Thus, a perusal of the said judgment would indicate that this Court had directed consideration of the case of those petitioners for absorption or adjustment against present or future vacancies and till completion of such exercise, debarred the State from resorting to any direct recruitment to fill up the vacant posts. This judgment was not challenged before any higher forum and accordingly, it has attained finality.

21.           Apparently, present petitioners stand on similar footing like the petitioners of WP(C) No. 161/2002. In such a case, there would not have been much difficulty in granting similar relief to the present petitioners but for the intervening development which has taken place in the form of framing of a scheme for regularization of contractual employees. The scheme i.e. the Government of Mizoram Regularization of Contract Employees Scheme, 2008 provides for regularization of the service of contractual employees working in various Departments of the Govt. of Mizoram. The eligibility criteria prescribed for such regularization is continued engagement on contract basis for at least 5 years. The scheme provides that 20% of vacant posts under the direct recruitment quota may be reserved for the contract employees for regularization. However, the scheme shall not apply to contractual employees under the centrally sponsored schemes.

22.           From the impugned communication dated 28.9.2011, as explained by the said affidavit, 41 contractual employees covered by WP(C) No. 161/2002 would be absorbed on regular basis in terms of the Regularization Scheme, being 20% of the 216 available posts for direct recruitment.

23. The judgment of this Court dated 8.4.2004 as noticed above, was never put to challenge and, therefore, has attained finality. It was also delivered before finalization of the Regularization Scheme, 2008. Therefore, the contractual teachers covered by WP(C) No. 161/2002 would have to be regularized in terms of the judgment dated 8.4.2004. Coming to the present petitioners, a scrutiny of the materials on record would indicate that their initial appointments were preceded by a due recruitment process. It was only after they were selected that they were appointed under the OBB scheme. The long years of service rendered under the OBB scheme as well as under the SSA scheme cannot also be wished away.

24. Having regard to the above, taking an overall view of the matter and considering the totality of the facts and circumstances of the case, the Court is of the view that the posts held by the present petitioners should not be made available to recruitment through open advertisement. Since the State has framed the Regularization Scheme, case of the petitioners should be considered in terms of the Regularization Scheme.

25. In view of the above discussion, the 108 posts held by the present petitioners should be excluded from open advertisement. In other words, the remaining posts i.e.  $166-108=58$  posts and such further posts as may be available should be filled up by way of open advertisement. Case of the petitioners shall be considered for regularization as per seniority and subject to fulfillment of eligibility requirement under the Regularization Scheme. Till such time, the contractual appointment of the petitioners would continue. Needless to say, it will be open to the private respondents to participate in the recruitment process that may be conducted by the State.

26. In view of the deliberations and conclusions arrived at, a detailed discussion on the case laws cited at the bar is considered not necessary.

27. Writ petition stands allowed to the extent indicated above.

28. No cost.

JUDGE

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