

GAHC020004502021



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

**Case No. : I.A.(Civil) 86/2021**

1:THE STATE OF NAGALAND AND ANR  
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF  
NAGALAND, KOHIMA, NAGALAND

2: THE PRINCIPAL SECRETARY  
DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS  
GOVERNMENT OF NAGALAND  
KOHIMA  
NAGALAN

VERSUS

1:MR. JOEL NAGA AND ANR  
R/O H/NO.202, FELLOWSHIP COLONY, DIMAPUR, NAGALAND

2:MR. KHIKHRO KREO  
R/O H/NO.34 BADE VILLAGE  
DIMAPUR NAGALAND

**Advocate for the Petitioner : GOVT ADV NL**

**Advocate for the Respondent :**

Linked Case : PIL 10/2021

1:MR. JOEL NAGA AND AND ANR  
S/O NILLO RENGMA  
R/O H/NO.202  
FELLOWSHIP COLONY  
DIMAPUR

NAGALAND

2: MR. KHIKHRO KREO

S/O KEDUZU KREO  
R/O H/NO.34  
BADE VILLAGE  
DIMAPUR  
NAGALAND  
VERSUS

1:THE STATE OF NAGALAND AND ANR  
REPRESENTED BY THE CHIEF SECRETARY  
CIVIL SECRETARIAT  
KOHIMA - 797004  
NAGALAND

2:THE PRINCIPAL SECRETARY  
DEPARTMENT OF PERSONNEL AND ADMINISTRATIVE REFORMS  
GOVT. OF NAGALAND  
CIVIL SECRETARIAT  
KOHIMA  
NAGALAND

Advocate for the Petitioner : NEITEO KOZA  
Advocate for the Respondent : GOVT ADV NL

**BEFORE**  
**HON'BLE MR. JUSTICE SONGKHUPCHUNG SERTO**  
**HON'BLE MR. JUSTICE S. HUKATO SWU**

**ORDER**

**Date : 10-11-2021**

Have heard Mr. Kekhriengulie, learned Additional AG, assisted by Mr. A Zhimomi, learned Government Advocate, and Ms. Neiteo, learned Counsel appearing for the petitioners at length.

Mr. Kekhriengulie, after having taken us through the relevant provisions of the *Nagaland Staff Selection Board Regulation (NSSB), 2020*, has submitted that the posts and services falling within pay level 3 to level 10 given in *Table- III*

of the *Nagaland Services (Revision of Pay) Rules, 2017*, except the posts and services in the establishments of the Deputy Commissioners and the posts mentioned in Schedule A of the NSSB Regulation, 2020, are within the category of Group C services. Therefore, they are within the purview of the NSSB. The learned Additional AG also submitted that as far as recruitment to the posts and services falling under Group C and which are under the purview of the NSSB are concerned, he may be given time to file affidavit. But for the Group D posts and the posts which are given in Schedule A of the NSSB Regulation, 2020, the *Interim Order* may be modified so as to enable the State respondents to go ahead with recruitment to such posts through Departmental Recruitment Boards mentioned in the Office Memorandum dated 26.09.2017 of the *Government of Nagaland, Department of Personnel and Administrative Reforms (Administrative Reforms Branch)*.

Learned Counsel for the petitioners, Ms. Neiteo, submits that the petitioners have no objection to the prayer of the learned Additional AG provided the examinations are conducted by first advertising the posts to give equal opportunity to everyone interested to apply for the same and if the recruitment processes are fair and acceptable.

Considering the relevant provisions of the NSSB and the contents of the *Office Memorandum* dated 26.09.2017, issued by the *Government of Nagaland, Department of Personnel and Administrative Reforms (Administrative*

*Reforms Branch*), and also the pressing need expressed for recruitment to such posts, we modify the *Interim Order* dated 01.09.2021 to the extent that the State respondents, who are the petitioners in the I.A., may go ahead with the recruitment to such posts and services which are not within the purview of NSSB. However, since no rules has been framed for the services we hereby direct that no post should be filled up without advertisement and without prescribing the eligibility criteria and adopting recruitment process which will ensure fairness, transparency, equal opportunity and inspire confidence in the minds of the youths seeking for employment.

With this the I.A. stands disposed.

As for the PIL, let it be listed again after two weeks.

Sd/-  
**JUDGE**

Sd/-  
**JUDGE**

**Comparing Assistant**