

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 29605/2024

(Arising out of impugned judgment and order dated 14-12-2021 in WA No. 37/2021 14-12-2021 in WA No. 74/2021 14-12-2021 in WA No. 16/2021 14-12-2021 in WA No. 20/2021 08-04-2024 in RP No. 60/2022 passed by the Gauhati High Court)

P. LALNUNTHARA

Petitioner(s)

VERSUS

THE STATE OF MIZORAM & ORS. ETC.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.175790/2024-CONDONATION OF DELAY IN FILING and IA No.175792/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 14-08-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Manish Goswami, Adv.
Mr. Fayaz, Adv.
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

1. As the petitioner had filed a review petition and that came to be dismissed only on 08.04.2024, delay stands condoned.
2. Heard Mr. Manish Goswami, learned counsel appearing for the petitioner.
3. The counsel would submit that the matters pertain to claim for promotion by the petitioner to the post of Executive Engineer of the Minor Irrigation Department. Indisputably, the promotion is governed by the Mizoram Engineering Service Rules, 2013 and the

eligibility criteria for promotion is 5 years service in the feeder grade and also passing the departmental examination. The petitioner had qualified in the departmental examination in May, 2017 and the process for promotion commenced thereafter on 05.07.2017.

4. The Division Bench proceeded on the basis that the eligibility for those in the zone of consideration should be obtained by 1st April in the year of consideration and since the petitioner had acquired the qualification in May 2017, he is ineligible.

5. The counsel would submit that the cut-off date prescribed by the O.M. dated 15.07.2010 (Annexure P/2) cannot operate against the petitioner as the Service Rules enacted subsequently in the year 2013 will override the O.M. Also importantly, the Service Rules do not provide any cut-off date.

6. Issue notice, returnable in four weeks.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)