GAHC030006152025

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

Case No. : WP(C)/103/2025

Sh. LR Hmangaihzuala and 24 Ors.
S/o Lalrindika Fanai, R/o Thakthing Veng, Aizawl, Mizoram. 2: Sh. Laltlanhlua

3: Sh. Michael T. Nunsanga

4: Sh. Lalremruata

5: Sh. PC Lalhruaizela

6: Sh. Lawmsangzuala

7: Sh. V. Lalhruaitluanga

8: Sh. K. Laltluangkima

9: Sh. J. Lalthanzama

10: Sh. H. Sangdina

11: Sh. Freddy Lianhmingthanga

12: Sh. Lalremsanga

13: Sh. Vanlalzawna

14: Sh. L. Vabeipabosa

15: Sh. Lalmuansanga Khiangte

16: Sh. Jonathan Lalrinawma

17: Sh. Lalhruaitluanga

18: Sh. R. Vanlaldingngheta

19: Sh. Lalchhanchhuaha

20: Smt. Lallawmsangi Colney

21: Sh. Laltanpuia

22: Sh. Lalzarmawia Hmar

23: Sh. K. Ramdinsanga

24: Sh. Mishael Zodingliana

25: Sh. Robinson Hma

VERSUS

The State of Mizoram r/b the Chief Secy. to the Govt. of Mizoram and 35 Ors.
Aizawl, Mizoram. 2:The Secretary to the Govt. of Mizoram
Transport Department

3:The Secretary to the Govt. of Mizoram
Dept. of Personnel and Administrative Reforms

4:The Secretary to the Govt. of Mizoram
Finance Department

5:The Director
Transport Department

6:The Mizoram Public Service Commission r/b its Secretary

7:Sh. C.Vanlalenkawla

8:Sh. C.Vanlalrinchhana

9:Sh. C.Rohlupuia

10:Sh. Daniel Lalhruaitluanga

11:Sh. David Lalrinfela

12:Sh. Dominic Lalnunngila

13:Sh. F. Lalruatfela

14:Sh. Freddy Zosangliana

15:Sh. Immanuel Lalrindika

16:Sh. Jersom Hringnunthanga

17:Smt. K. Lalramchuanpuii

18:Sh. Lalawmpuia

19:Sh. Lalchhanchhuaha

20:Sh. Lalchungnunga Khiangte

21:Smt. Lalhmangaihsangi

22:Sh. Lalhriatpuia

23:Sh. Lalhruaitluanga

24:Sh. Lalhruaizela

25:Sh. Lallawmsanga

26:Sh. Lallawmzuala

27:Sh. Lalrindika

28:Sh. Lalruatpuia

29:Sh. Lamek Vanlalhriatpuia

30:Sh. Malsawmkima

31:Sh. PC Lalngaihsaka

32:Sh. R. Lalmuanpuia

33:Sh. R. Lalramchuana

34:Smt. R. Lalramfawni

35:Sh. Ramdinsanga Khiangte

36:Sh. Vanlalremruatfel

Advocate for the Petitioner : Mr B Lalramenga

Advocate for the Respondent : Addl. AG/GA, Mizoram for R1-5

BEFORE

HON'BLE MR. JUSTICE SANJEEV KUMAR SHARMA

Date on which judgment is reserved : **08.10.2026.**
Date of pronouncement of judgment : **15.10.2026.**
Whether the pronouncement is of the operative part of the judgment ? : N/A
Whether the full judgment has been pronounced? : Yes

JUDGMENT & ORDER (CAV)

Heard Mr. B. Lalramenga, learned counsel for the petitioners. Also heard Mr. J.C. Lalnunsanga, learned Standing Counsel representing the respondent No. 6, Mizoram Public Service Commission and Mrs. Vannneihsiami, learned Govt. Advocate for the State respondents, as well as Mr. Lalbiaknunga Hnamte, learned counsel representing the private respondents.

2. Vide the Advertisement (Non-Gazetted post) No.14 of 2025-26 dated 10.07.2025, the respondent No.6 i.e., the Mizoram Public Service Commission

(in short, 'MPSC') had floated an Advertisement (Non-Gazetted Post) for recruitment of 3 Nos. of Post of the Motor Vehicle Inspector in the Transport Department, Govt. of Mizoram. Under Serial No.6 of the said Advertisement dated 10.07.2025, the condition of eligibility pertaining to the educational qualification is mentioned as *"HSLC with 3 years Course Diploma in Mechanical/Automobile Engineering from Government recognized Institute"*. The said Advertisement dated 10.07.2025 had directed that the application can be submitted through the respondent No.6 i.e., the MPSCs online portal https://mpsconline.mizoram.gov.in till 12.08.2025.

3. In pursuance of the said Advertisement dated 10.07.2025, the petitioners who are having the educational qualification of the Bachelor's Degree in the Mechanical Engineering had also submitted their applications through online in the said respondent No.6 i.e., MPSC's portal aforesaid.

4. But from the response of the respondent No. 6 to an RTI application submitted by the petitioner No. 7, the petitioners came to know that their candidature was not under consideration by the MPSC since they do not possess the 3 years course Diploma in Mechanical/Automobile Engineering, who therefore are ineligible for the said post.

5. Learned counsel for the petitioners submits that the eligibility criteria so mentioned in the aforesaid rules does not per se bar the petitioners from applying for the post as they possess a higher qualification than that prescribed by the rules, and it is wholly illogical and irrational to debar the petitioners, and the impugned action of the authorities is a clear infringement of the rights of

the petitioners under Articles 14 and 16 of the Constitution of India.

6. Learned counsel for the petitioners submitted that a coordinate bench of this Court by its Judgment and Order dated 29.07.2024 in WP(C) No. 4281 of 2022, had applied the ratio laid down in the case of ***Jyoti KK & Ors. v. Kerala Public Service Commission*** reported in ***(2010) 15 SCC 596***, ***Puneet Sharma & Ors. v. Himachal Pradesh State Electricity Board Ltd. & Anr.*** reported in ***2021 SCC OnLine SC 291*** and ***Preety Kashyap & Ors. v. Sonu Sahu*** reported in ***(2018) 4 GLR 503*** has held that the qualification of the Bachelor's Degree in Mechanical Engineering is sufficient for the candidate to meet the eligibility norms for participating in the recruitment process for filling up of the posts of Motor Vehicle Inspector since the particular Rules do not exclude those persons with higher educational qualification from participating in the recruitment process.

7. It is further submitted that the Rules of 2006 have been amended to include the qualification of Bachelor's degree in Mechanical/Automobile Engineering as part of the eligibility criteria in addition to possession of diploma in the aforesaid subjects, and the said rules have come into force with effect from 14.08.2025.

8. The respondent No. 6, MPSC, by filing affidavit-in-opposition, has taken the stand that the question is not about the lower or higher qualification, rather it was about the precise essential qualification as prescribed in the Recruitment Rules, 2006 which clearly stated the essential qualification of HSLC with 3 years Course Diploma in Mechanical/Automobile Engineering from Government

Institute. The Recruitment Rules do not give a scope for persons who possess higher or lower qualification than the one it prescribed. It is further stated that framing of the new Recruitment Rules, 2025 does not mean that the old Recruitment Rules, 2006 was defective nor does it grant automatic candidature to the petitioner. And as per para 3(2) of the Government of Mizoram, Office Memorandum dt.07.12.2022, vacancies which falls under the purview of the Mizoram Public Service Commission will have to be filled as per the Recruitment Rules in force at the time of requisition for filling of such vacant posts. The Commission received the requisition on 06.05.2025 which was before the publication of the new Recruitment Rules, 2025 on 14.08.2025. Therefore, the Commission had to act as per the Recruitment Rules.

9. Learned counsel for the respondent No. 6 submits that the Division Bench of this Court, in its Judgment and Order dated 04.11.2025 in WP(C) No. 32 of 2025 (*H.Laldintluanga & 216 Ors Vs SOM & 5 Ors*) categorically held that where the Recruitment Rules prescribe a specific essential qualification, possession of a higher qualification by itself does not confer eligibility. Thus, the eligibility of the candidates has to be determined strictly in accordance with the applicable Recruitment Rules and the terms of the advertisement.

10. Mrs. Vanneihsiami, learned Government Advocate has supported the stand of the respondent No. 6 and has also filed affidavit-in-opposition taking substantially the same stand.

11. Learned counsel appearing for the private respondents, who are the diploma holders/applicants, submitted in addition to adopting the stand of the

respondent No. 6 that the petitioners have challenged only the advertisement without challenging the underlying rules on the basis of which the advertisement has been issued.

12. I have given my anxious considerations to the rival submissions and the material available on record in the light of the authorities cited.

13. At this stage, it would be apposite to mention that pursuant to an interim order granted by this Court in this case, the petitioners were allowed to participate in the recruitment process by appearing in the written examination which was held on 16.09.2025 and 17.09.2025, but the results thereof have not been declared in view of the aforesaid interim order.

14. The First Schedule to the Rules, 2006 spells out the educational and other qualifications required for direct recruits under Column 8 as follows:-

> "*Essential: HSLC with 3 years Course Diploma in Mechanical/Automobile Engineering from Government recognized Institute.*
>
> *DESIRABLE:*
>
> *1) Preference will be given to those having practical working knowledge and experience.*
>
> *2) Working knowledge of Mizo language at least upto Middle School standard."*

15. Learned counsel for the petitioners has placed reliance upon a decision of

the Division Bench of this Court in ***Preeti Kashyap & Ors. v. Sonu Sahu & Ors***. reported in ***(2018) 4 GLR 503***, which was decided on 22.05.2017. In the said case, it was held as follows:

> "*At the very outset, we place on record that we respectfully disagree with the findings and decision of the learned Single Judge. This view of ours is fortified on the basis of the Supreme Court case in Jyoti K. K. and Others v. Kerala Public Service Commission, (2010) 15 SCC 596. In the said case, the Kerala Public Service Commission had invited applications for the post of Sub-Engineers (Electrical) in the Kerala State Electricity Board. The technical qualification prescribed, amongst others, was Diploma in Electrical Engineering of a recognized institution after 3 years' course of study. Challenge was made by holders of B. Tech Degree in Electrical Engineering or Bachelors Degree in Electrical Engineering being aggrieved of the decision of the Commission holding them as not eligible for selection as they did not possess the necessary qualification. Before the High Court the holders of B. Tech degree contended that since they possess higher qualification, therefore, non-consideration of their cases were not correct. The challenge so made was negated on ground that the qualifications possessed by the petitioners therein do not presuppose the acquisition of prescribed lower qualifications. It was held that when qualifications have been prescribed for a post, the same cannot be diluted and persons not possessing the prescribed qualification cannot be held to be eligible. Answering the issue, the Supreme Court observed as under:*
>
> > *"8. Under the relevant Rules, for the post of Assistant Engineer, degree in Electrical Engineering of Kerala University or other equivalent qualification recognised or equivalent thereto has been prescribed. For a higher post when a direct recruitment has to be held, the qualification that has to be obtained, obviously gives an indication that such qualification is definitely higher qualification than what is prescribed for*

the lower post, namely, the post of Sub-Engineer. In that view of the matter the qualification of degree in Electrical Engineering presupposes the acquisition of the lower qualification of diploma in that subject prescribed for the post, shall be considered to be sufficient for that post.

9. In the event the Government is of the view that only diploma-holders should have applied to post of Sub-Engineers but not all those who possess higher qualifications, either this rule should have excluded in respect of candidates who possess higher qualifications or the position should have been made clear that degree-holder shall not be eligible to apply for such post. When that position is not clear but on the other hand the Rules do not disqualify per se the holders of higher qualifications in the same Faculty, it becomes clear that the rule could be understood in an appropriate manner as stated above. In that view of the matter the order of the High Court cannot be sustained. In this case we are not concerned with the question whether all those who possess such qualifications could have applied or not. When statutory Rules have been published and those Rules are applicable, it presupposes that everyone concerned with such appointments will be aware of such Rules or make himself aware of the Rules before making appropriate applications. The High Court, therefore, is not justified in holding that recruitment of the appellants would amount to fraud on the public."

7. In the instant case, the appellants clearly possess higher qualification making them eligible for appointment to a higher post than that of the post of Draftsman Grade-Il/Planning Draftsman Grade-II. In terms of the reported case in /yoti K.K. (supra) their higher qualification presupposes the acquisition of the lower qualification of 2 years Certificate Course in Draftsmanship (Civil), which has to be considered to be sufficient in so far as the advertised posts are concerned. Another aspect of the matter is that in the Advertisement dated

5.9.2013 or in the Service Order of 1991, there is no mention or any provision excluding candidates possessing higher qualifications from offering their candidature against the advertised posts. In absence thereof, the appellants per se cannot be held as not being eligible to apply for the advertised post or be held to be ineligible to participate in the selection process or to be denied appointment on the basis of their merit standing."

16. On the other hand, learned counsel for the respondent No. 6 has referred to a very recent decision of a Division Bench of this Court in WP(C) No. 32 of 2025 (*H. Laldintluanga and 216 Ors. v. The State of Mizoram and 5 Ors.)* decided on 04.11.2025. In the aforesaid decision, the Mizoram Public Works Department (Group 'B' Posts) Recruitment Rules, 2022, which prescribe the educational qualification for filling up the posts of Junior Engineer (Civil) as HSLC with 3 (three) years Diploma in Civil Engineering from a government recognized institute, was put to challenge.

17. The Division Bench, after considering the decision in ***Jyoti KK & Ors.*** (Supra), besides a host of other decisions, distinguished the said decision on facts and held as follows:

"*8. There is a distinction between minimum qualification and essential qualification. Under the Rules, where essential qualification is prescribed, that is a mandatory qualification but there should not be any difficulty in persons having essential qualification and higher qualification alongside. However, in minimum qualification prescribed, there may not be any insistence for only the minimum qualification and persons with higher qualification also could have*

applied to be considered.

13. Any Graduate Degree holder but having a Diploma also definitely would not be excluded from consideration but since essential qualification has been fixed as 3 (three) years Diploma, any higher qualification without the essential qualification of Diploma would not suffice."

18. With respect to ***Jyoti KK*** (Supra), it was held by the Division Bench in WP(C) No. 32 of 2025 as follows:

"*16. In **Jyoti K.K.** (supra), while inviting applications for selection to the post of Sub-Engineer (Electrical) in the Kerala State Electricity Board, the Kerala Public Service Commission had issued notification providing Diploma in Electrical Engineering of a recognized Institution after 3 (three) years course of study as the qualification for the post. The B.Tech. Degree holders in Electrical Engineering and persons holding Bachelor's Degree in Electrical Engineering were ousted from the zone of consideration. The Kerala Public Service Commission had contended that graduates in Engineering and persons possessing other qualification than what was prescribed in the advertisement could not have been taken as a higher qualification as those were not equivalent qualification prescribed for the post and the persons, who possessed higher qualification, could only be considered in cases where they acquired such higher qualification after acquiring the prescribed qualification. However, a provision in the Kerala State and Subordinate Services Rules, 1956 provided that notwithstanding anything contained in the Rules, higher qualifications which pre-supposes the acquisition of lower qualification prescribed for the post would also be sufficient for the post.*

The Kerala High Court had rejected the contention of the applicants but the Supreme Court has held that in the event of the Government holding the

view that only Diploma holders should have applied for the post of Sub-Engineers but not all those who possessed higher qualification, either the Rules in question should have excluded the candidates who possessed higher qualification or the position should have been made clear that Degree holders shall not be eligible to apply for such posts. When that position is not clear but, on the hand, the Rules do not disqualify per se the holders of the higher qualification in the same faculty, it was clear that the Rule was not understood in an appropriate manner. The order of the High Court, therefore, was not sustained and it was found that persons with higher qualification also would be eligible. However, since the Diploma holders had already been selected by the Kerala Public Service Commission, the Supreme Court chose not to disturb such appointments but directed the State to consider the case of the eligible Degree holders against the existing vacancies.

17. In the present case, the Rules make it very clear that only the Diploma holders would be eligible, which, therefore, means that a person with higher qualification also could apply, provided he/she had the minimum/essential qualification prescribed under the Rules. Thus, the verdict in ***Jyoti K.K.*** *(supra) does not help the petitioners in challenging the Rules of 2022 per se."*

19. In ***Yogesh Kumar & Ors. v. Government of NCT, Delhi & Ors.*** reported in ***(2003) 3 SCC 548***, also, the Hon'ble Apex Court referred to ***Jyoti K.K.*** (Supra) and noted that the decision therein was based on the provision in the rule which clarified that those with higher qualification would be deemed to have acquired the lower qualification prescribed for the post and that would be sufficient for eligibility.

20. The Division Bench in the aforesaid writ petition also considered the

decisions of the Hon'ble Apex Court in ***Puneet Sharma & Ors. v. Himachal Pradesh Electricity Board Limited & Anr.*** reported in ***(2021) 16 SCC 340***, as well as ***State of Punjab & Ors. v. Anita & Ors.*** reported in ***(2015) 2 SCC 170***, and in both of these cases, a distinction had been made with the facts in the case of ***Jyoti K.K.*** (Supra), as in ***Jyoti K.K.***, the appointing authority had the option of considering appointment of persons with higher qualifications. Reference was also made to the case of ***Zahoor Ahmad Rather & Ors. v. Sheikh Imtiyaz Ahmad & Ors.*** reported in ***(2019) 2 SCC 404*** which was considered in ***Puneet Sharma*** (Supra), and the Supreme Court held that:-

> "*The Supreme Court adumbrated that while prescribing the qualification for a post, the State, as an employer, bears in mind several features including the nature of the job; the aptitudes requisite for the efficient discharge of duties; the functionality of a qualification and the content of the course of studies which leads up to the acquisition of qualification. The State is entrusted with the authority to assess the needs of the public services. Exigencies of administration fall within the domain of administrative decision making. The State is perfectly entitled, as a public employer, to take into account social perspectives requiring creation of job opportunities across the societal structure, which would essentially fall in the domain of policy matters, judicial review must tread warily. It was in this context that in* ***Zahoor Ahmad Rather*** *(supra), decision in* ***Jyoti K.K.*** *(supra) was understood, especially in the context of a special statutory rule under which the holding of a higher qualification pre-supposed the acquisition of a lower qualification, which was considered to be sufficient for the post."*

21. The Division Bench further observed as follows:-

> "*19. After having gone through all the afore-noted judgments, the*

*Supreme Court in **Puneet Sharma** (supra) examined the Rules, especially the sub-quota for 5% of the candidates who would be Diploma holders, who would acquire Degree qualification during services as Junior Engineers and 5% of those candidates, who would acquire Degrees after joining as Junior Engineers.*

It was thus read that the Rule making authority had in mind that Degree holders too would compete for the position of Junior Engineers as individuals holding equivalent or higher qualification.

The Supreme Court noted that if such interpretation were not given, there would be no meaning in the 5% of sub-quota set apart for those who are Degree holders before joining as Junior Engineers in terms of the extant recruitment Rules.

The Supreme Court also took note of the latest amendments in the concerned Rules clarifying that even for the post of Junior Engineers, those individuals holding higher qualification would be eligible to compete. Though the amending Rules were brought into force prospectively but since the same were only clarificatory, it was held that the Rules would apply to the recruitment, which was the subject matter of controversy from before."

22. As adverted to herein before by learned counsel for the petitioners, the Rules of 2006 have been superseded by the new Mizoram Transport Department (Group 'B' Post) Recruitment Rules, 2025 (hereinafter "the Rules, 2025"), wherein the qualification prescribed is mentioned in the Schedule annexed to the rule is as follows:-

"*1. HSLC or above with 3 years course ,Diploma or above in Mechanical/ Automobile Engineering from a recognized Institution.*

2. Holding a driving license authorizing to drive Motorcycle with gear and Light Motor Vehicle.

3. Basic computer knowledge as prescribed by the government from time to time.

4. A candidate must achieve a minimum score in the qualifying test of Mizo Language Proficiency as prescribed by the government from time to time."

23. In the course of hearing, the issue as to which of the two rules i.e., the Rules of 2006 and the Rules of 2025 would be applicable in the present recruitment process had also cropped up. In fact, it is the stand of the respondent No. 2 as reflected in its affidavit-in-opposition that in view of the Office Memorandum dated 07.12.2022, it would be the old rules that would be applicable, as already adverted to herein before.

24. As per paragraph No. 3(2) of the said Memorandum, it is provided as follows:-

"*2). Vacancies under direct recruitment quota, as provided in the recruitment rules/ service rules which fall under the purview of Mizoram Public Service Commission and Mizoram Subordinate Service Selection Board, shall be filled in accordance with the recruitment rules/ service rules in force at the time of requisition for filling up of such particular vacancies."*

25. In ***State of Odisha & Ors. v. Sreepati Ranjan Dash*** reported in ***2026 SCC OnLine SC 879***, which was decided by the Hon'ble Apex Court recently on 18.05.2026, the occasion arose for deciding the aforesaid issue. The Apex Court referred to and discussed the various authorities on this point as follows:-

"***13.*** *Having held thus, we now proceed to see whether Raj Kumar (supra) has any application in the present facts. The proposition of law laid down in Raj Kumar (supra) and the decisive stroke given therein being necessary for the adjudication*

of the present matter, are reproduced hereunder:

82. A review of the fifteen cases that have distinguished Rangaiah [Y.V. Rangaiah v. J. Sreenivasa Rao, (1983) 3 SCC 284 : 1983 SCC (L&S) 382] would demonstrate that this Court has been consistently carving out exceptions to the broad proposition formulated in Rangaiah. The findings in these judgments, that have a direct bearing on the proposition formulated by Rangaiah are as under:

82.1. *There is no rule of universal application that vacancies must be necessarily filled on the basis of the law which existed on the date when they arose, Rangaiah case must be understood in the context of the rules involved therein. [Deepak Agarwal v. State of U.P., (2011) 6 SCC 725, para 26; Union of India v. Krishna Kumar, (2019) 4 SCC 319, para 10].*

82.2. *It is now a settled proposition of law that a candidate has a right to be considered in the light of the existing rules, which implies the "rule in force" as on the date consideration takes place. The right to be considered for promotion occurs on the date of consideration of the eligible candidates. [Deepak Agarwal v. State of U.P., Union of India v. Krishna Kumar].*

82.3. *The Government is entitled to take a conscious policy decision not to fill up the vacancies arising prior to the amendment of the rules. The employee does not acquire any vested right to being considered for promotion in accordance with the repealed rules in view of the policy decision taken by the Government. [K. Ramulu v. S. Suryaprakash Rao, (1997) 3 SCC 59, paras 12 & 13; Shyama Charan Dash v. State of Orissa, (2003) 4 SCC 218, para 9; State of Punjab v. Arun Kumar Aggarwal, (2007) 10 SCC 402, para 38; Deepak Agarwal v. State of U.P., (2011) 6 SCC 725, para 28]. There is no obligation for the Government to make appointments*

as per the old Rules in the event of restructuring of the cadre is intended for efficient working of the unit. [G. Venkateshwara Rao v. Union of India, (1999) 8 SCC 455, para 4]. The only requirement is that the policy decisions of the Government must be fair and reasonable and must be justified on the touchstone of Article 14. [Rajasthan Public Service Commission v. Chanan Ram, (1998) 4 SCC 202, para 15; K. Ramulu v. S. Suryaprakash Rao, (1997) 3 SCC 59, para 15].

82.4. *The principle in Rangaiah need not be applied merely because posts were created, as it is not obligatory for the appointing authority to fill up the posts immediately. [Delhi Judicial Services Assn. v. Delhi High Court, (2001) 5 SCC 145, para 5].*

82.5. *When there is no statutory duty cast upon the State to consider appointments to vacancies that existed prior to the amendment, the State cannot be directed to consider the cases [Deepak Agarwal v. State of U.P., (2011) 6 SCC 725, para 25].*

83. The above-referred observations made in the fifteen decisions that have distinguished Rangaiah case demonstrate that the wide principle enunciated therein is substantially watered-down. Almost all the decisions that distinguished Rangaiah hold that there is no rule of universal application to the effect that vacancies must necessarily be filled on the basis of law that existed on the date when they arose. This only implies that decision in Rangaiah is confined to the facts of that case.

84. The decision in Deepak Agarwal v. State of U.P. is a complete departure from the principle in Rangaiah inasmuch as the Court has held that a candidate has a right to be considered in the light of the existing rule. That is the rule in force on the date the consideration takes place. This enunciation is followed in

many subsequent decisions including that of Union of India v. Krishna Kumar [Union of India v. Krishna Kumar, (2019) 4 SCC 319]. In fact, in Krishna Kumar Court held that there is only a "right to be considered for promotion in accordance with rules which prevail on the date on which consideration for promotion takes place".

85. The consistent findings in these fifteen decisions that Rangaiah case must be seen in the context of its own facts, coupled with the declarations therein that there is no rule of universal application to the effect that vacancies must necessarily be filled on the basis of rules which existed on the date on which they arose, compels us to conclude that the decision in Rangaiah is impliedly overruled. However, as there is no declaration of law to this effect, it continues to be cited as a precedent and this Court has been distinguishing it on some ground or the other, as we have indicated hereinabove. For clarity and certainty, it is, therefore, necessary for us to hold:

***85.1.** The statement in Y.V. Rangaiah that, "the vacancies which occurred prior to the amended Rules would be governed by the old Rules and not by the amended Rules", does not reflect the correct proposition of law governing services under the Union and the States under Part XIV of the Constitution. It is hereby overruled.*

***85.2.** The rights and obligations of persons serving the Union and the States are to be sourced from the rules governing the services."*

26. Therefore, in ***Raj Kumar*** (Supra), the Hon'ble Apex Court has categorically held that the rights and obligations of persons serving the Union and the States are to be sourced from the rules governing the services. The Office Memorandum dated 07.12.2022 is not such a rule under Article 309 of the Constitution of India, but only an executive instruction which appears to be not in consonance with the law declared by the Hon'ble Apex Court, as discussed above. What further transpires from the law

enunciated by the Apex Court as above is that it is the law that is in force at the time of consideration of the claims of the applicants for appointment that is to be applicable.

27. In the instant case, the advertisement though was issued on 10.07.2025 and the last date for submission of applications was 12.08.2025, the actual written examination was scheduled to be held on 16.09.2025 and 17.09.2025 and were accordingly held in which the petitioners also participated. By that time, the new rules had already come into force i.e., on 14.08.2025, which was just two days after the last date for submission of applications. Therefore, as per the law laid down in ***Raj Kumar*** (Supra) and as affirmed in ***Sreepati Ranjan Dash*** (Supra), it is the new rules that would hold the field, inasmuch as the 'consideration' can commence only after the applications have been filed.

28. Although the aforesaid issue arose during the course of hearing, no authorities were cited by learned counsel for either side in support of or contrary to the aforesaid law laid down by the Hon'ble Apex Court, and that too as recently as May 2026. Although, it is not the pleaded case of the petitioners that it is the new Rules of 2025 which should be applicable in the present case, since it is a pure question of law, the same cannot be an impediment for the Court to decide the said issue, particularly when the law as declared by the Hon'ble Apex Court has come to the notice of this Court.

29. Further, in view of the introduction of the Rules of 2025, it logically follows that the State has determined that candidates possessing Bachelor's degree in Mechanical/Automobile Engineering are qualified to discharge the functions of a Motor Vehicle Inspector. Therefore, the State cannot be heard to argue to the contrary, regardless of the stand taken by it by way of its affidavit-in-opposition as adverted to herein before. It also further logically follows from the introduction of the new rules that the State has taken into consideration all the relevant factors such as the aptitudes requisite for the efficient discharge of duties; the functionality of a qualification and the content of the course of studies which leads to the acquisition of the qualification; the needs of public services; social perspectives requiring creation of job opportunities across the societal structures - all of which essentially fall within the domain of policy matters, as held by the Hon'ble Apex Court in ***Zahoor Ahmad Rather (Supra)***.

30. In the above view of the matter, the decision of the Division Bench of this Court in WP(C) No. 32 of 2025 (*Sh. H. Laldintluanga (Supra*) does not aid the respondents.

31. As regards the submission of learned counsel for the private respondents that the petitioners have challenged the advertisement without challenging the underlying rules, it is noticed that in the present writ petition, although prayer has been made for setting aside and quashing the impugned advertisement, an alternative prayer for allowing the petitioners to participate in the selection process has also been made and in the course of hearing, learned counsel for the petitioners did not press the prayer for setting aside of the advertisement. Further, having held that it is the new Rules of 2025 that would govern the present recruitment process, and considering the fact that the petitioners, who are graduate engineers, have already been allowed to participate in the selection process, which is in consonance with the new rules, there is no necessity of setting aside the impugned advertisement at this stage, although the same was based on the old rules, having regard to the aforesaid subsequent developments. It is always within the domain of the writ court to mould the relief as the facts and circumstances of a particular case may demand, of course within well-recognized constitutional principles.

32. In ***Ramesh Chandra Sankla v. Vikram Cement***, reported in ***(2008) 14 SCC 58***, the Hon'ble Supreme Court was pleased to state:

> "*98. From the above cases, it clearly transpires that powers under Articles 226 and 227 are discretionary and equitable and are required to be exercised in the larger interest of justice. While granting relief in favour of the applicant, the court must take into account the balancing of interests and equities. It can mould relief considering the facts of the case. It can pass an appropriate order which justice may demand and equities may project. As observed by this Court in Shiv Shankar Dal Mills v. State of Haryana, [(1980) 2 SCC 437 : (1980) 1 SCR 1170] courts of equity should go much further both to give and refuse relief in furtherance of public interest. Granting or withholding of relief may properly be dependent upon considerations of justice, equity and good conscience.*"

33. There also arises no question of any prejudice having been caused to persons having similar qualifications as the present petitioners, inasmuch as, other than the present petitioners numbering 25, none has approached the Court seeking participation in the recruitment process.

34. In view of the above, the respondent No. 6, MPSC, is directed to declare the results of the examination held pursuant to the Advertisement (Non-Gazetted Post) No. 14 of 2025-2026 dated 10.07.2025 for the post of Motor Vehicle Inspector under the Transport Department, Government of Mizoram, and carry the process forward to its logical conclusion.

35. The writ petition stands allowed to the extent indicated above.

JUDGE

Comparing Assistant