GAHC030006162025

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

Case No. : WP(C)/104/2025

Smt. Manluni and 71 Ors.
D/o Daingina, R/o Sesih, Champhai. 2: Sh. Lalzuatliana Tochhawng

3: Sh. C. Vanlalhmuaka

4: Smt. R. Lalngurhluni

5: Smt. Vanlalsangkimi

6: Smt. C. Lalnunsangi

7: Smt. Lalhmangaihi

8: Smt. F. Lalthannguri

9: Smt. B. Lalmuanpuii

10: Smt. C. Lalrelpuii

11: Smt. T. Laltlanmawii

12: Smt. Lalmuankimi

13: Smt. Lalmuansangi

14: Sh. R. Lalsiamliana

15: Smt. Lalzarmawii

16: Smt. Ramnghahmawii

17: Sh. Lianhingthanga

18: Sh. K. Rohlupuii

19: Smt. KC Lalchhawntluangi

20: Smt. H. Lalrinzuali

21: Smt. Lalthlamuani

22: Smt. K. Lalduhawmi

23: Sh. J. Laltholeha

24: Smt. R. Lalrindiki

25: Sh. Zairemmawia

26: Sh. JH. Lalmalsawma

27: Smt. C. Lalremruati

28: Sh. Tlangsiamliana Hriler

29: Sh. H. Lalmuanchhana

30: Smt. Lalrempuii

31: Sh. Lallawmawma

32: Sh. T. Lalhmangaiha

33: Smt. C. Lalnghaksangi

34: Sh. Lalhruaitluanga Tochhawng

35: Smt. T. Lalthakimi

36: Smt. Lalhminghlui

37: Smt. Julie Remsangpuii

38: Smt. PC Zodinpuii

39: Smt. Lalremtluangpuii

40: Smt. VL Zarzokimi Colney

41: Sh. Lalbiakhlua

42: Smt. Lalrodingi

43: Smt. Malsawmdawngliani

44: Smt. ZD Zothanpuii

45: Smt. Hmingthanzuali

46: Smt. Lalkhawngaihi

47: Smt. Lalramngheti

48: Smt. Rebecca Zonunmawii

49: Smt. K. Vanlalnunpuii

50: Smt. C. Lalremruati

51: Sh. Lalremruata

52: Smt. T. Remsangpuii

53: Smt. F. Lalrintlingi

54: /smt. K. Remsangpuii

55: Smt. Lalrinmawii

56: Smt. H. Lalnuntluangi

57: Sh. Lalremruata

58: Smt. C. Lalramnghaki

59: Sh. Zonunsiama

60: Smt. Pricilla Lalnunthangi

61: Sh. Lalthawmmawia

62: Smt. Lalrammawii

63: Smt. R. Hmingthanpuii

64: Smt. Lilipari

65: Smt. Lalawmawii

66: Smt. JH Rosangpuii

67: Smt. Nancy Lalrintluangi

68: Smt. R Lalnunthari

69: Smt. K.Lalnunziri

70: Smt. Cicilia Lalchhandami

71: Sh. Lalruatsanga

72: Smt. C. Lalthanpui

VERSUS

The State of Mizoram r/b the Chief Secretary to the Govt. of Mizoram and 4 Ors.
Aizawl.

::BEFORE ::

HON'BLE MR. JUSTICE MRIDUL KUMAR KALITA

For the Petitioners : Mr. C. Lalramzauva, Sr. Advocate
: Mr. Stephen Lalbuatsaiha, Advocate

For the Respondents : Ms. Lalnunhlui, Govt. Advocate

Date of Hearing : **28.09.2026**
Date of Judgment : **01.10.2026**

JUDGMENT & ORDER

1. Heard Mr. B. Lalramzauva, the learned Senior Counsel, assisted by Mr. Stephen Lalbuatsaiha, the learned counsel for the petitioners. Also heard Ms. Lalnunhlui, the learned Government Advocate, appearing for respondent Nos. 1 to 5.

2. This writ petition under Article 226 of the Constitution of India has been filed by *Smt. Manluni* and 71 other petitioners, impugning the Advertisement No. 4 of 2025, bearing No. A.12011/1/2025-DHS/MPW, dated 22.07.2025**,** calling for applications for appointment to 100 numbers of posts of "Health Worker" (Group 'C' post) to be filled up by direct recruitment. The petitioners are aggrieved with the aforesaid advertisement in as much as it does not provide for any steps to comply with the provisions of the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees*

Scheme, 2024".

3. The facts relevant for consideration of the instant writ petition, in brief, are that all the present petitioners have undergone and successfully completed the Health Worker Training Course from Health Worker Training School, Kulikawn, Aizawl, in the year 2007 and were appointed by respondent No. 5, namely, the Mission Director, National Health Mission, Mizoram State Health Society (MSHS), Aizawl, on the basis of recommendations of duly constituted DPCs, as "Health Workers" on contractual basis initially for a period of 4 months with effect from the date of their joining. They were posted at various Sub-Centers with a fixed remuneration of Rs.7,000/- per month. After expiry of the initial four months, all the petitioners and other such candidates who were appointed along with them were allowed to continue to serve in the same capacity without break till date and they have been given increments of their salary from time to time.

4. It is pertinent to mention herein that in the year 2017, in pursuant to the special scheme for recruitment of Health Workers bearing Memo No. A.11019/3/2015-HFW dated 03.05.2017, after following the procedure prescribed in the said special scheme and on the basis of the recommendation of DPC, 93 candidates who were similarly situated like that of the present petitioners were appointed to the post of Health Worker on regular basis under the Department of Health & Family Welfare, Government of Mizoram. After regularization of the said 93 numbers of Health Workers who were earlier engaged on contract basis under CSS, on the basis of special scheme for

recruitment of Health Workers, more than 300 Health Workers, including the present petitioners, continue to serve under respondent No. 5 as Health Worker on contractual basis under CSS. In the meantime, after considering the demands of CSS employees, the Government of Mizoram notified the scheme for regularization of CSS employees as *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"* on 18.06.2024, bearing Memo No. A.32013/38(Pt)/2021-P&AR(GSW) dated 18.6.2024.

5. In pursuant to the aforesaid scheme, the respondent No. 2 (the Commissioner & Secretary, to the Government of Mizoram, DP&AR, Aizawl) issued Notification No. A.32013/39/2024-P&AR(GSW) dated 08.10.2024 constituting the Performance Evaluation Committee within the concerned department implementing CSS scheme.

6. The petitioners, through their representatives, i.e., the office bearers of All Mizoram CSS Employees Coordination Committee, had also submitted representation dated 19.05.2025 addressed to the Minister-in-charge, DP&AR, seeking regularization of contractual employees under CSS in different departments. However, it is alleged that the respondent authorities did not take any positive steps on the said representation.

7. While the petitioners were expecting regularization of their services under the newly formulated scheme of the year 2024, the respondent Nos. 3 and 4, namely, the Secretary to the Government of Mizoram, Health & Family Welfare Department and the Principal Director of Health Services, Health & Family Welfare Department,

Mizoram, respectively, issued Advertisement No. 4 of 2024 under Memo No. A.12011/1/2025-DHS/MPW dated 22.07.2025 calling for applications for filling up of 100 numbers of posts of Health Workers (Group 'C') under the Health & Family Welfare Department, Mizoram. Being aggrieved by the aforesaid advertisement, the present petitioners approached this Court by filing the instant writ petition.

8. Mr. C. Lalramzauva, the learned senior counsel for the petitioners submits that presently there are about 354 Health Workers, both male and female, working under the respondent No. 5 on contractual basis. However, the State respondents, instead of regularizing the services of the petitioners in terms of the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*, have arbitrarily decided to fill up the post of 100 numbers of Health Workers entirely by way of direct recruitment, frustrating their own scheme for regularization of CSS employees which was formulated in the year 2024.

9. He submits that Clause 3 of the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"* provides that the State Government in the concerned department shall be responsible for determining the number of employees under the scheme to be considered for regularization into corresponding regular posts of the State under direct quota, when the Government is of opinion that it is necessary and/or expedient to do so in departments under the Government taking into consideration factors mentioned in Clause 3 of the Scheme.

10. The learned senior counsel for the petitioners submits that the petitioners are engaged in essential and continuous services that are necessary to maintain a minimum national standard of service for social protection and social inclusion and which the State Government is obligated to continue even if the support of Central Government is eventually withdrawn. He submits that the petitioners, as Health Workers, are performing the work relating to delivery of primary healthcare, promoting public health, managing common illness, conducting preventive care, implementing health programs like immunization, providing health education, supervising other health workers and collecting vital data on birth and death. All of these functions may be regarded as essential and continuous services that are necessary to maintain a minimum national standard of service for social protection and social inclusion.

11. He submits that all the petitioners are having the eligibility criteria for regularization as laid down in Clause 4 of the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*.He submits that the petitioners have been engaged as Health Workers (CSS) for more than 18 years under respondent No. 5 and their services are fit to be regularized under the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*.

12. The learned senior counsel for the petitioners submits that before issuing the impugned advertisement, the State respondents ought to have determined the numbers of employees under CSS

scheme who could have been considered for regularization in such posts and only thereafter, the respondents could have issued advertisement for filling up the remaining posts by way of direct recruitment. He submits that the State respondents, by issuing the impugned advertisement and by deciding to fill up all the 100 numbers of the available posts by way of direct recruitment, have flagrantly and grossly frustrated the provisions of the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*, which was formulated by them only. He submits that by doing so, the respondents have violated the fundamental rights of the petitioners as guaranteed under Articles 14 and 16 of the Constitution of India. He also submits that, though all the petitioners were engaged as Health Workers under NRHM/Mizoram State Health Society on contractual basis for a period of 4 months in the year 2007, however, since date of their initial appointment, all the petitioners have rendered continuous service as Health Worker for more than 18 years.

13. The learned senior counsel for the petitioners further submits that the appointments of the petitioners were made on the basis of recommendation of DPC, Health & Family Welfare Department, hence, their initial appointments may not be regarded as illegal appointments. He submits that, since all the petitioners fulfill the criteria of eligibility as laid down in the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*, the issuance of impugned advertisement by the State respondents, without determining the numbers of post to be reserved for the purpose of regularization in terms of the *"Government of Mizoram Regularization*

*of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*amounts to violation of fundamental rights of the petitioners under Article 14 and Article 16 of the Constitution of India. As such, he submits that the impugned advertisement is liable to be set aside and quashed and further, the petitioners may be considered for regularization of their services against the available 100 numbers of the posts of Health Workers, which are sought to be filled up entirely by way of direct recruitment by the state respondents. In support of his submissions, the learned senior counsel for the petitioners has cited ruling of the Apex Court in the case of "***State of Karnataka and Others v. M.L. Kesari and Others***", reported in "***(2010) 9 SCC 247"***.

14. On the other hand, Ms. Lalnunhlui, the learned Government Counsel appearing for the State respondents has opposed the prayer of the petitioners and has submitted that the impugned advertisement has been issued by the State respondents in pursuance to the Recruitment Rules of 2011, which were framed by the State respondents under Article 309 of the Constitution of India. She submits that as per the *Mizoram Health and Family Welfare Department (Group 'C' Post) Recruitment Rules, 2011*, the posts of Health Workers are to be filled up 100% by way of direct recruitment only. As such, she submits that the impugned advertisement, having been issued under statutory rules, has no infirmity justifying any interference by this Court in exercise of its writ jurisdiction.

15. The learned Government Counsel appearing for the State respondents further submits that from the appointment orders of the

petitioners which are annexed along with the writ petition, it becomes clear that they were appointed on contractual basis only for a period of 4 months and such appointment does not bestow upon any of the petitioners the right to claim regular appointment. She submits that even as per the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*, it is for the State respondents to determine the number of cases which may be regularized and as said power being discretionary in nature, the State respondents may not be compelled to fix a particular number of posts which may be reserved for regularization.

16. She submits that, in the instant case, all the 100 numbers of posts are decided to be filled up by way of direct recruitment, in which there is no bar for any of the eligible petitioners to participate and as such, the same is neither arbitrary nor discriminatory causing infringement of the fundamental rights of the petitioners guaranteed to them under Article 14 and Article 16 of the Constitution of India. She submits that while deciding as to whether the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"* is to be applied or not, the State Government may take into consideration various factors as indicated in the Scheme itself, namely, (i) the number of vacant posts available for direct open competition. (ii) Financial prudence, etc., and in the instant case, the decision to fill up 100 numbers of vacant posts of Health Workers by way of direct recruitment was taken after considering all the relevant factors as mentioned in the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*itself. As

such, she submits that no infirmity is there in the advertisement which has been impugned in this writ petition.

17. The learned Government counsel for the respondent further submits that the petitioners were never appointed against any sanctioned civil posts of the State and their engagement was only for a period of four months, on contractual basis, under the National Rural Health Mission (NRHM) and the same was not in pursuant to any DPC minute or newspaper advertisement or any open competitive selection. As such, they cannot claim regularization of their services once it is admitted that they have been engaged under the aforesaid circumstances. She further submits that the advertisement which has been impugned in this writ petition requires the eligibility criteria of HSSLC (10+2) with two years' training, which is materially higher than the HSLC level entry standard which was prevalent in the year 2007 when the petitioners were appointed on contractual basis.

18. She further submits that the engagement of the petitioners in the National Health Mission itself was on purely temporary basis and was to meet the mission targets. Further, the engagement of the petitioners was for a short tenure of four months only bestowing no legal rights on them for regularization under the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*. She further submits that long service of the petitioners as health workers on contractual basis, by itself, does not confer a right to claim regularization.

19. She submits that the Apex Court in a catena of its judgments

has laid down the legal proposition that the regularization of services is the exception and open recruitment is the rule in the constitutional scheme. She submits that the State's right to engage persons temporarily to meet exigencies cannot be used to defeat the very scheme of public employment and the Courts should not direct absorption of persons engaged without following due process of selection as envisaged in the constitutional scheme.

20. She further submits that the petitioners may also compete in the selection process for appointment as health worker by way of direct recruitment in terms of the advertisement which has been impugned in this writ petition, provided they fulfill the eligibility criteria mentioned in the advertisement. She further submits that when the advertisement in question has been issued in pursuance to the *Mizoram Health and Family Welfare Department (Group 'C' Post) Recruitment Rules, 2011,*which were framed under Article 309 of the Constitution of India, this Court, in exercise of its writ jurisdiction under Article 226 of the Constitution of India, cannot direct the State respondent to regularize the services of the petitioners, nor can it direct to create or sanction new posts for the petitioners, she submits that same is the prerogative of the State Government.

21. She further submits that in the instant case, the prayer of the petitioners may also not be allowed on the basis of the doctrine of legitimate expectation as the petitioners' entry was itself admittedly for a limited tenure and their engagement was not based on proper selection. As such, they cannot invoke the theory of legitimate

expectation for being confirmed in the said post. She further submits that even if it is assumed for the sake of argument that the petitioners had some legitimate expectation of getting absorbed in a regular post as Health Worker, since they were not qualified in terms of the eligibility criteria laid down in the impugned advertisement, their legitimate expectation shall have to give way to the public interest. In support of her submission, the learned Government counsel for the respondent has cited the following rulings:

i) ***State of Haryana Vs. Piara Singh and Others***, reported in ***(1992) 4 SCC 118***.

ii) ***State of Rajasthan and Ors. Vs. Daya Lal and Ors.***, reported in ***(2011) 2 SCC 429***.

iii) ***Secretary, State of Karnataka and Ors. Vs. Umadevi and Others,*** reported in ***(2006) 4 SCC 1***.

iv) ***Union of India and Ors. Vs. Ilmo Devi and Anr,*** reported in ***(2021) 20 SCC 290***.

v) ***Union of India and Anr v. Arulmozhi Iniarasu & Others***, reported in ***(2011) 7 SCC 397***.

22. I have considered the submissions made by the learned counsel for both sides and have gone through the materials on record including the pleadings of both the parties. I have also gone through the rulings cited by the learned counsel for both sides in support of their respective submissions.

23. The point to be considered in this writ petition is as to whether the petitioners were deprived of their legitimate expectation of being considered for regularization against the 100 numbers posts of health worker which were advertised by way of the impugned advertisement and thereby infringing their fundamental rights guaranteed to them under Articles 14 and 16 of the Constitution of India.

24. The fact that the petitioners were appointed on contractual basis as Health Workers under NRHM, Mizoram State Health Society, initially for a period of 4 months only has been admitted by the petitioners themselves. Though, the State Respondents have taken the plea that the petitioners were not selected through an open competitive selection process, however, on perusal of the appointment orders/engagement orders of the petitioners, copy of which has been annexed along with the writ petition, shows that they were appointed on the recommendation of DPC, Health &Family Welfare Department/ Selection Board, NRHM Mizoram State Health Society. As such, the materials available on record indicate that their appointments were preceded by some selection process and it is only on the recommendation of the DPC/Selection Board the petitioners were engaged on contractual basis as "Health Workers".

25. The question before this Court is not as to how they were engaged, but as to whether the scheme, i.e., *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024*", is applicable to the petitioners or not and whether they are entitled to claim benefit under the said scheme for regularization of

their services into corresponding regular posts of the State in terms of the provisions contained in the aforesaid scheme.

26. On perusal of the impugned advertisement dated 22nd July, 2024, it appears that the respondent No. 4 has issued the said advertisement calling for applications for recruitment to 100 numbers of posts of Health Worker (Group 'C') on regular basis under the Health & Family Welfare Department, Government of Mizoram, subject to eligibility conditions mentioned in the said advertisement. It appears that out of the total 100 numbers of the posts which were advertised, only 4 posts were reserved for Persons with Disabilities (PwD), which were specified in Column 3 of the advertisement. No other reservation has been indicated in the said advertisement.

27. On a cursory look, the said advertisement appears to be in conformity with the *Mizoram Health and Family Welfare Department (Group 'C' Post) Recruitment Rules, 2011*, which provides for filling up of the post of Health Worker 100% by way of direct recruitment from candidates having minimum eligibility criteria as mentioned in Clause 7 and 8 of the table in Annexure-I of the said Rules.

28. On perusal of the aforesaid Recruitment Rules of 2011, it also appears that Rule 8 of the aforesaid rules provides power to relax, providing that where the Governor is of the opinion that it is necessary or expedient to do so, he may, by order and for reasons to be recorded in writing and in consultation with the Department of Personnel and Administrative Reforms, relax any of the provision of these rules with respect to any class or category of persons. As such, it appears that the

method of recruitment, age limit, qualification, etc., as provided in Rule 4 of the aforesaid rules are not the absolute and unchangeable requirements. The Governor, under Rule 8 of the said rules, does have power to relax such conditions pertaining to method of recruitment, age limit, qualification, etc.

29. Now, if we consider the scheme for regularization which was notified by the Government of Mizoram in the Mizoram Gazette on 18thJune, 2024, i.e., the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*, it appears that the said scheme came into force from the date of its publication in the Official Gazette, i.e., on 18.06.2024.On perusal of the said scheme, it appears that the same is made applicable to all employees under Centrally Sponsored Schemes availed by the Government of Mizoram who were duly engaged through proper recruitment process by the competent authority.

30. Clause 3 of the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*provides as follows: -

> "*(3)* ***Reservation****- The State Government in the concerned Department is responsible for determining the number of employees under the scheme to be considered for regularization into corresponding regular posts of the State under the direct quota at a time when the State Government is of the opinion that it is necessary or expedient so to do in departments under the Government, taking into account the following factors:*

1. *The number of vacant posts available for direct open competition, quota for regularisations of Provisional Employees and State Contract employees;*

2. *Financial prudence and fiscal space;*

3. *The overall impact on the implementation of Centrally Sponsored Schemes availed by the State Government/*

4. *Such regularization shall further be limited to employees under CSS who are engaged in essential and continuous service/ core of the core Scheme that are necessary to maintain a minimum national standard of service for social protection and social inclusion, and which the State Government is obligated to continue even if the support of the Central Government is eventually withdrawn."*

31. On perusal of the aforesaid provisions regarding reservation, it appears that it is the State Government in the concerned Department which is responsible for determining the number of employees under the Centrally Sponsored Scheme to be considered for regularization into corresponding regular posts of the State under direct quota at a time when the State Government is of the opinion that it is necessary or expedient to do so in departments under Government, taking into account the number of vacant posts available for direct open competition quota for regularization of provincial employees and State contract employees, financial prudence and fiscal space, overall impact on implementation of Centrally Sponsored Scheme availed by the State Government and that such regularization shall further be limited to the employees under CSS who are engaged in essential and continuous

services of the core scheme that are necessary to maintain a minimum national standard of service for social protection and social inclusion and where the State Government is obliged to continue even if the support of Central Government is eventually withdrawn. It also clarifies that the regularization into corresponding regular posts in this context means regularization to a post under the state Government with similar description, duties, responsibilities or qualifications. Further, Clause 4 of the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*provides for the eligibility conditions to be fulfilled by the employees who are to be considered for regularization to regular posts under the scheme.

32. As regards the applicability of the doctrine of legitimate expectation in such cases, the Apex Court has held in the case of ***Union of India v. Arulmozhi Iniarasu& others (Supra)*** as follows: -

> "***21.*** *Recently, in Sethi Auto Service Station v. DDA [(2009) 1 SCC 180] , one of us (D.K. Jain, J.), referring to a large number of authorities on the point, summarised the nature and scope of the doctrine of legitimate expectation as follows: (SCC pp. 190-91, para 32)*
>
> "*32. An examination of the aforenoted few decisions shows that the golden thread running through all these decisions is that a case for applicability of the doctrine of legitimate expectation, now accepted in the subjective sense as part of our legal jurisprudence, arises when an administrative body by reason of a representation or by past practice or conduct aroused an expectation which it would be within its powers to fulfill unless some overriding public interest comes in the way. However, a person who bases his claim on the doctrine of legitimate expectation, in the first instance, has to satisfy that he has relied on the said representation and the denial of that expectation has worked to his detriment. The Court could*

interfere only if the decision taken by the authority was found to be arbitrary, unreasonable or in gross abuse of power or in violation of principles of natural justice and not taken in public interest. But a claim based on mere legitimate expectation without anything more cannot ipso facto give a right to invoke these principles."

33. There is no denial that it is the State Respondents only who have formulated the regularization scheme, i.e., the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*and same has also been notified in the Official Gazette on 18.06.2024.It also appears that said scheme has been formulated specifically for regularization of employees of Centrally Sponsored Scheme (CSS).

34. As the regularisation scheme is itself a government scheme which is in force and has not been repealed or abandoned, the Government, in the considered opinion of this Court, is under an obligation to undertake the steps indicated in Column 3 of the said scheme, i.e., determining the numbers of employees under the scheme to be considered for regularization into corresponding regular posts, whenever such regular vacancies are available during the existence of the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*.

35. As regards the question as to how many posts would have to be reserved for the purpose of regularization is a decision to be taken by the State Government after considering the factors indicated in Clause

3 of the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*. However, as the scheme is a duly notified scheme of the State Government itself, it creates a legitimate expectation for regularisation of the employees engaged in any Centrally Sponsored Scheme (CSS), who fulfills the eligibility criteria mentioned in Clause 4 of the aforesaid scheme.

36. While advertising 100 numbers of the posts of regular health workers, which are the corresponding posts to the post held by the petitioners under the CSS, the State Government, under the provisions of the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024",* is under an obligation to determine the numbers of employees under Centrally Sponsored Scheme, who may be considered for regularization into corresponding regular posts of the State, after taking into consideration the factors indicated in the clause 3 of the Government of *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*.

37. Even if the State Government decides not to reserve any posts for regularization in terms of clause 3 of the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*on a particular occasion, still in the considered opinion of this Court, it has to conduct the exercise of determining the numbers of employees under the scheme to be considered for regularization as mentioned in clause 3 of the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*after

taking into consideration all the factors mentioned in Clause 3 of the said scheme.

38. Thus, to give a harmonious effect to the provisions of *Mizoram Health and Family Welfare Department (Group 'C' Post) Recruitment Rules, 2011*as well as the provisions of *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024",* the first thing, which the State Government has to do once corresponding regular posts of the State under direct quota are available, say in this case 100 numbers posts of health worker, is to determine as to how many posts it can reserve under Clause 3 of the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*.

39. After taking a decision in respect of the number of posts out of the available regular vacancies, which may be reserved for the purpose of regularization as per the provisions contained in the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*, the other steps which are required to be taken areas to whether the available candidates *(in this case the petitioners or other similarly situated persons)* fulfills the eligibility criteria for regularization as mentioned in Column 4 of the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"* and then to proceed accordingly.

40. However, the claim of the petitioners that their services may be regularized considering their long period of service may not be

considered under the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*. What shall be the criteria for consideration of regularization has already been laid down, in detail, under the caption "Eligibility Condition for Regularization" in Column No. 4 of the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*. Same shall have to be fulfilled by any CSS employee for being considered for regularization into a corresponding regular post.

41. In the instant case, it appears that all the available 100 numbers of posts were advertised by the State Government for direct recruitment without indicating as to whether the State Government had conducted an exercise for determining the number of employees under *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*, who may be considered for regularization into corresponding regular posts of the State under direct quota after considering the factors indicated in Clauses 1., 2., 3., and 4. of Clause (3) of the said scheme.

42. Non-consideration of the aforesaid aspects, in the considered opinion of this Court, is a violation of the legitimate expectations of the petitioners created by the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"* itself. As such, non-consideration of Clause (3) of the said scheme is also violative of the fundamental rights of the petitioners guaranteed under Articles 14 and 16 of the Constitution of India.

43. As in the instant case, the main grievance of the petitioners is the non-implementation of the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"* and non-consideration of their cases for regularization in terms of the aforesaid Government Scheme and that they are not seeking regularization on any other ground, hence, the other rulings cited by the learned Government counsel in support of her contentions does not have much relevance in this case.

44. In view of the discussions made and reasons stated in the foregoing paragraphs of this judgment, the impugned advertisement No. 4 of 2025 dated 22/07/2025, issued by the Director of Health Services, Mizoram, Aizawl, calling for applications for 100 number of posts for appointment by way of direct recruitment only, is accordingly, set aside and quashed.

45. The State Government is directed to conduct an exercise for determining the numbers of employees, who are presently employed as health workers on contractual basis under NRHM, who may be considered for regularization into corresponding regular posts of the State under direct quota, out of the available 100 posts of health workers, on the basis of criteria laid down in Clause 3 and Clause 4 of the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*. After deciding the question of the availability of the numbers of posts for direct recruitment as well as for regularization under the *"Government of Mizoram Regularization of Centrally Sponsored Scheme (CSS) Employees Scheme, 2024"*, the

government may re-advertise for the available posts for direct recruitment again, clearly indicating the number of posts determined for regularisation and the number of posts to be filled by way of direct recruitment.

46. With the above observation and direction, this writ petition is allowed.

JUDGE

Comparing Assistant