

GAHC020002992021



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

**Case No. : PIL 6/2021**

1:DR. ANIRUDDHA BABAR  
ASSISTANT PROFESSOR,  
DEPARTMENT OF POLITICAL SCIENCE,  
TETSO COLLEGE, DIMAPUR 797112, NAGALAND

VERSUS

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

2:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF NAGALAND  
HOME DEPARTMENT

NAGALAND  
KOHIM

**Advocate for the Petitioner : SENTIYANGER**

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

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

**ORDER**

**Date : 28-07-2021**

*(Serto, J)*

This is a PIL basically espousing the grievances of the Government employees in the State on the order dated 17/7/2021 issued by the Chief Secretary, Nagaland vide his office memo No.NSDMA-ER-COVID 19/301/2020(Part-II)/5515 on the subject; attendance in office and requirement for vaccination for employees/staff in Nagaland Civil Secretariat and Directorates.

We have heard Mr. Sentiyanger, learned counsel appearing for the petitioner and we have also heard Mr. T.B. Jamir, learned Sr. Addl. A.G. assisted by Mr. V. Zhimomi, learned Government Advocate.

Mr. T.B. Jamir, learned Sr. Addl. A.G. has raised objection on maintainability of the PIL and he also submitted that no interim order be passed.

We have gone through the order issued by the Chief Secretary which is under challenge. We are of the considered view that prima facie the order is not in consonance with the orders passed by this Court in the PIL (Suo Moto) 1/2021 and right of the employees under the Constitution of India. Therefore, let notice be issued to the respondents making the same returnable within 2(two) weeks.

List the matter again on **18/8/2021** along with PIL (Suo Moto) 1/2021 and PIL 7/2021.

Till the returnable date, fees should not be charged for testing from Government employees and their salaries should not be stopped for reason of not having being vaccinated.

Needless, but for the sake of clarity the question on maintainability raised by the learned Sr. Addl. A.G. shall remain open.

Mr. Sentiyanger, learned counsel for the petitioner shall also served copy of the PIL to Mr. Taka Masa, learned Amicus Curiae in PIL (Suo Moto) 1/2021 and to Mr. N. Mozhui, learned counsel for the Health Department.

Sd/-  
**JUDGE**

Sd/-  
**JUDGE**

**Comparing Assistant**