

Serial No.05
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 122 of 2023

Date of Order :15.05.2023

Shri. Pynskhembor Dkhar

Vs.

State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge.

Appearance:

For the Petitioner/Appellant(s) : Mr. S.Deb, Adv.

For the Respondent(s) : Mr. N.D.Chullai, AAG with
Ms. R.Colney, GA.

- i) Whether approved for reporting in Law journals etc: Yes/No
- ii) Whether approved for publication in press: Yes/No

ORAL

1. Heard Mr. S.Deb, learned counsel for the petitioner.
2. The grievance as put up is with regard to the uncertainty of the applicability of the reservation policy of the State of Meghalaya for admission in higher and technical institutions within the State itself.

3. The petitioner who is here on behalf of 2 of his relatives who had applied for admission in the College of Teacher Education, Tura, is aggrieved that there is no clarity as regards the applicability of the reservation policy, and no clarification also forthcoming from the respondents, inspite of a representation.

4. Mr. N.D.Chullai, learned AAG assisted by Ms. R.Colney, learned GA for the respondents has raised preliminary objections challenging the locus of the writ petitioner and has also submitted that the instant petition is barred by the principles of res judicata, inasmuch as, on an earlier occasion, this Court was pleased to dismiss the writ petition on similar grounds. He therefore, submits that similar treatment should be meted out in the instant writ petition and the same should be dismissed.

5. I have heard learned counsel for the parties. Though certain doubts still remain as to the locus of the writ petitioner, but the issue raised, attains some importance with regard to the 2 persons named in the writ petition who are still seeking answers to the manner of admission into the State's higher and technical institutions.

6. In the earlier proceedings i.e., WP(C). No. 60 of 2023, this Court by order dated 23-03-2023 had dismissed the same by observing as under:

“1. Mr. S.Deb, learned counsel for the petitioner at the outset submits that the writ petitioners herein have a very limited prayer which pertains to their representation dated 19th

December, 2022, which is stated to be not disposed of by the State respondents.

2. Perusal of the writ petition itself reflects that the entire writ petition is based on vague assertions and inconclusive averments. It is also noticed that the documents relied upon i.e., the RTI replies, had been applied by a different person who is not before this Court.

3. Learned counsel for the petitioner has also failed to demonstrate before the Court in which manner they are aggrieved. There being no substantial cause of action, especially in view of the nature and identities of the parties that have come before this Court, this writ petition is devoid of merit and is accordingly dismissed.”

7. Looking into the facts presently and the issues as raised, notwithstanding the issue of locus, the respondents are directed to address the representation dated 19th December, 2022, which appears at Annexure-10 of the writ petition so as to clear the air with regard to this issue. The same shall be completed within a period of two months from today.

8. The writ petition is allowed to the extent as indicated above and stands closed and disposed of.

Judge

Meghalaya
15.05.2023
“Samantha PS”