

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No. 49 of 2023

Date of Decision: 04.12.2023

Shri Edit Sangma & Ors.

Vs.

State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Chief Justice (Acting)

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Appellant(s)

:

Mr. P.K. Borah, Adv.

For the Respondent(s)

:

Ms. T. Yangi B, AAG with

Ms. I. Lyngwa, GA

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

JUDGMENT AND ORDER (ORAL)

Per. H.S. Thangkhiew, Chief Justice (Acting):

1. This instant writ appeal has been preferred against the order dated 13.09.2023 passed by the learned Single Judge, wherein the writ petition was dismissed.

2. Mr. P.K. Borah, learned counsel for the appellants submits that the dismissal of the writ application was purely on a technical ground, which he has sought to correct the same here at the appellate stage. He has also offered to tender the Court Fees, inasmuch as, the main ground for dismissal was that, the writ petitioner had preferred the writ petition on behalf of 104 (One Hundred and Four) Job Card Holders without the requisite Court Fees being paid, or their names being enumerated. He therefore, prays that some consideration be given to the writ petitioner (appellant herein) who was the erstwhile Secretary of the Village Employment Council of Chirakata Village, Mawsynram, East Khasi Hills District to remedy the lapses as reflected in the impugned order, and the writ appeal be taken up for consideration.

3. Ms. T. Yangi B, learned AAG assisted by Ms. I. Lyngwa, learned counsel for the State respondents at the outset submits that fresh and additional grounds cannot be advanced by the appellants, inasmuch as, the lapses were never corrected during the duration of the writ proceedings. It has been further submitted that apart from the technicalities which have not been fulfilled, on merits also the instant matter does not deserve any consideration. She submits that whatever pending dues of the Job Card Holders as per her instructions, which she has also filed by way of an affidavit, have since been cleared, and whatever amount pending may be

due to the internal disputes between the persons themselves. She therefore, submits that there being no merit in the instant appeal, the same should be dismissed.

4. Heard the learned counsels for the parties, perused the materials on record, and also the impugned order which is before us. The findings of the learned Single Judge, which is not disputed even at this stage is that the appellant is no longer the Secretary of the Village Employment Council, and as such his representation on behalf of the aggrieved Job Car Holders also stands in doubt.

5. It has also been recorded in the impugned order that there is no authorization by any of the Village Employment Council members authorizing the writ petitioner to file the writ petition on their behalf, and neither does the writ petition disclose, nor, any affidavit filed giving the names and details of any Job Card Holders. It has been further held that the requisite Court Fees in such matters, when an individual files jointly on behalf of several writ petitioners has also not been paid.

6. In the face of these circumstances and the materials on record as they appear, there is no error or infirmity in the impugned order, nor does it call for any interference on the submission of the learned counsel for the appellants, that the defects can be corrected, and the matter be reconsidered.

7. For the sake of convenience, the relevant part of the impugned order is reproduced hereinbelow:-

“A careful perusal of the writ petition makes it clear that no detail of the said 104(one hundred and four) Village Employment Council members have been mentioned. There exists no authorization by any of the Village Employment Council member authorizing the writ petitioner to file this petition on their behalf. It is submitted by the learned counsel for the petitioner that the petitioner personally does not have any grievance to be redress by this Court. It appears from the record that pursuant to the order dated 26.10.2022; the petitioner has filed an affidavit to bring on record the signatures of all the 104 (one hundred and four) Job Card Holders approving the petitioner to pursue the matter. However, the said affidavit does not disclose the names and details of any of the Job Card Holders.

Rule 1, chapter 3 of the Rules of the High Court of Meghalaya, 2013 stipulates that more than one individual can jointly file a single writ petition on each of them paying court fee payable on such application. In the present matter, the record does not reveal that court fee has been paid on behalf of all the 104(one hundred and four) Job Card Holders when this writ petition was filed.

Since the Job Card Holders, those who are to be benefited from the outcome of this matter, has not been named and the petitioner himself does not have any personal grievance to be redressed by the Court, more so, when the matter is not filed in the form of a PIL, the petitioner does not have any locus standi to pursue the present matter. In absence of payment of proper court fee, this petition is also not maintainable.

Accordingly, this writ petition stands dismissed.”

8. There being no substantial grounds, or merit to interfere with the impugned order, the instant writ appeal therefore, stands dismissed.

9. No order as to costs.

(W. Diengdoh)
Judge

(H.S. Thangkhiew)
Chief Justice (Acting)

Meghalaya
04.12.2023
"V. Lyndem PS"

