

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC [WP(C)] No. 3 of 2024 in
WP(C) No. 405 of 2023

Date of Decision: 19.01.2024

Shri. Istiak Alom

Vs.

State of Meghalaya & 15 Ors.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. H.L. Shangreiso, Sr. Adv. with
Mr. T. Dkhar, Adv.
Ms. E. Wanniang, Adv.

For the Respondent(s) : Mr. A. Kumar, AG with
Mr. E.R. Chyne, GA (For R 1-5)

ORDER (ORAL)

1. Heard Mr. H.L. Shangreiso, learned Sr. counsel appearing for the applicant. Also heard Mr. A. Kumar, learned AG appearing for the State respondent.

2. At the outset, the learned Sr. counsel has submitted that this Court vide order dated 20.12.2023 in WP(C) No. 405 of 2023 after hearing the parties had directed the petitioner herein to take steps for issuance of notice upon the respondents who were not present on the date the order was passed. However, taking note of the submission of the parties present, this Court had refrained from issuance of any interim order as far as the case is concerned. This being

the case, the selection process as far as the advertisement dated 30.10.2023 for filling up of the post of Assistant Teachers in Government Lower Primary (LP) Schools falling under the Dadengre Sub-Division of West Garo Hills District of Meghalaya is concerned was not interfered with at that relevant point of time.

3. In due course, the selection process continued finally resulting in notice dated 10.01.2023 being issued by the Sub-Divisional School Education Officer, Dadengre Sub-Division wherein the list of eligible candidates for appointment as Assistant Teacher pursuant to the said advertisement dated 30.10.2023 was published.

4. The learned Sr. counsel for the petitioner has submitted that if appointment orders are issued, the writ petition, rather the case of the petitioner will become infructuous. It is, therefore, prayed that in the interim, the said notice be put on hold till the main petition is disposed of.

5. Per contra, the learned AG has submitted that the fact that this Court in the first instance had refrained from issuance of any interim direction, the process has continued and has reached the stage till the said notice dated 10.01.2024 was issued. Putting a halt to the selection process at this point of time would jeopardize the whole process and would invariably affect not only the teachers but the fate of the students of those schools who would be benefitted by the appointment of the teachers as per such notice. It is, therefore, not in public interest that the said notice dated 10.01.2024 be put on hold at this point of time, further submits the learned AG.

6. Another argument raised by the learned AG is that the affected candidates who have been impleaded as respondents in the writ petition as

well as in this misc. case have not been issued notice and as such they could not present their case or their side of the story and any order passed behind their back would in itself be an injustice meted out to them. It is, accordingly prayed that this petition having no merits be dismissed.

7. This Court upon hearing the parties would not dwell on the submission made by the parties as far as the merits of the case is concerned since the pleadings have not yet been completed. What is observed is however, the fact that on the basis of this Court's order dated 20.12.2023 in the main case that is, WP(C) No. 405 of 2023 the selection process has proceeded, reaching the stage of the issuance of the said notice dated 10.01.2024, the case of the petitioner is confined only with regard to the qualifications of those candidates some of whom are named in the said notice dated 10.01.2024 under the unreserved category.

8. The order dated 10.01.2024, however, is all inclusive wherein it is seen that candidates who have been declared successful on the basis of the selection process belonged not only to the unreserved category but also those under the Garo and Khasi category as well as the other SC/ST category, most of whom are not parties to the writ petition. Under such circumstances, this Court at this juncture would refrain itself from putting a halt to the implementation of the said notice dated 10.01.2024.

9. However, as regard the case of the petitioner and the relevant portion of the notice, that is, those selected candidates falling under the unreserved category who have been specifically arrayed as party respondents in the main case if, at all, any appointment is issued to them, such appointment would be subjected to the outcome of the writ petition.

10. In view of the above, this petition is hereby disposed of.

Judge

Meghalaya
19.01.2024
"Tiprilynti-PS"

