



Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 148 of 2024

Date of Decision: 10.09.2024

1. Barilang Pyngrope
2. Joplang Shyrkon
3. Ialehlang Kharkongor
4. Harningstar Marshiangbai

... Petitioner(s)

- Versus -

1. State of Meghalaya
Through the Chairman,
Central Recruitment Board,
Meghalaya Police,
Police Head QuarterS, Secretariat Hills,
Shillong 793001, Meghalaya
Main Secretariat Building, Shillong.
2. The Secretary to the Government of Meghalaya,
Home (Police) Department.
3. The Secretary to the Government of Meghalaya,
Personnel & A.R (A) Department,
Main Secretariat, Shillong 793001.

.... Respondent(s)

Coram:

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

Appearance:

For the Petitioner(s) : In Person

For the Respondent(s) : Mrs. T. Yangi B, AAG with
Ms. Z.E. Nongkynrih, GA



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

JUDGMENT AND ORDER

1. The petitioner No. 1 has appeared in person to present her case, and has strenuously argued that the memorandum dated 03.02.2022 whereby the upper age limit for entry into Government service had been relaxed from 27 to 32 years with a further relaxation of 5 years for candidates belonging to Scheduled Tribes and Castes communities should have been uniformly applied for the recruitment to 1255 vacancies in various posts in the Police Department as given in the advertisement dated 06.03.2024. It is further submitted that the memorandum in carving out an exception for certain categories of posts such as, the Home (Police) Department is discriminatory and has affected the right to employment of candidates aspiring for jobs, such as her. She submits that in spite of repeated representations, the same was to no avail, which has prompted the petitioners to approach this Court by way of the instant writ petition.



2. Mrs. T. Yangi B, learned AAG assisted by Ms. Z.E. Nongkynrih, the learned GA on behalf of the State respondents has submitted that the office memorandum 03.02.2022 provides an exception to the application of the same and has drawn the attention of this Court to Para-2 of the said memorandum, where the said exception has been provided with regard to recruitment for Home (Police) Department. She further submits that the advertisement dated 06.03.2024, was issued by the Central Recruitment Board only after being vetted and carefully scrutinized, and the same is in conformity with the provisions of the Meghalaya Police Act, 2010. She lastly submits that the advertisement being in consonance with the statutory rules, and the minimum and maximum age limit prescribed being as per the exception allowed, and published vide memorandum dated 01.05.2024, which has not been put to challenge, no case has been made out for any intervention.

3. Having heard the learned counsel for the parties, first it noted that office memorandum dated 03.02.2022, has allowed the Personnel & AR (A) Department to prescribe the age limits for certain Departments, which includes the concerned Department herein i.e.



Home (Police) Department. Accordingly, it is seen as submitted and produced by the learned AAG, the office memorandum dated 01.05.2024, has notified the minimum and upper age limit for the categories of posts in the Home (Police) Department.

4. This Court on hearing the matter on the prayer for interim orders to allow the petitioners to provisionally apply pending the writ petition, while rejecting the same has also discussed the matter, and by order dated 28.05.2024, in Paragraphs 5 to 9, while rejecting the prayer had observed as follows:-

***“5. Having heard learned counsel for the parties, it is seen that an interim order has been sought at this stage, as the last date for submission of applications to the advertisement dated 06-03-2024 for recruitment of Police Personnel by the Government of Meghalaya, is 31-05-2024. The petitioners by way of the writ application have placed heavy reliance upon the increase in the upper age limit which was published vide Office Memorandum dated 03-02-2022, wherein for entry into government service, the upper age limit was enhanced from 27 to 32 years, with a further relaxation of 5 years over upper age limit for candidates belonging to the Scheduled Tribe and Caste community.*”**

6. The Office Memorandum dated 03-02-2022 for easy reference is reproduced herein below:



**GOVERNMENT OF MEGHALAYA
PERSONNEL & A.R.(A) DEPARTMENT**

.....

No. PER.38/2021/30 Dated Shillong, the 3rd February, 2022

OFFICE MEMORANDUM

**Subject: Increase in upper age limit for entry into
Government Service.**

The Governor of Meghalaya is pleased to order that the upper age limit for entry into Government Service is hereby enhanced from 27 to 32 years i.e. he/she must not have exceeded the age of 32 on the first day of the year of advertisement. Candidates belonging to Scheduled Tribes and Scheduled Castes will continue to enjoy a further relaxation of 5 years over the upper age limit of 32 years.

The new upper age limits will be applicable in case of all categories of posts except for certain categories of posts as may be notified by the Personnel & A.R. (A) Department for the Home (Police), Excise Registration Taxation and Stamps, Home Guards & Civil Defence, Prisons and Forests & Environment Departments.

This order shall take effect from the date of issue of this Memorandum.

**Sd/- R.V.Suchiang, IAS
Chief Secretary to the Govt. of Meghalaya,
Personnel & A.R.(A) Department.**

7. A perusal of the above quoted exception, shows that it clearly allows the Personnel & A.R. (A) Department, to set the age limits for certain categories of post for Home (Police) and for certain other Departments. From the materials as placed, it is seen that in furtherance thereto, the said Department by an Office Memorandum dated 01-05-2024, had set the upper age limit for Sub-Inspectors at 27 years and Constable at 21 years. It has been further stated on affidavit that the said Memorandum dated 01-05-



2024, is in consonance with the provisions of Section 23 and 29 of the Meghalaya Police Act. A perusal of the Meghalaya Police Act with regard to prescription of upper age limit for Constables at Section 23 (1) and 29 (2) supports this contention of the State respondents.

8. The writ petitioners by way of the instant writ petition have limited their challenge only to the impugned advertisement on the ground that it is not as per the Office Memorandum dated 03-02-2022, and have not questioned the prescription given by the Meghalaya Police Act nor have they assailed the Office Memorandum dated 01-05-2024.

9. As such, in the considered view of this Court, no prima facie case is made out for the grant of any interim orders at this stage, and the prayer accordingly stands rejected. The authorities relied upon by the learned counsel for the petitioners in the fact and circumstances of the case, being of no assistance are not discussed herein.”

10. The matter being situated thus, and also in view of the fact that the prescription of age is as per Sections 23 and 29 of the Meghalaya Police Act, coupled with the added fact that the recruitment process is already underway with the last date of receipt of applications being as far back as 31.05.2024, nothing survives for consideration in the instant writ petition and the same is accordingly closed and disposed of.

Chief Justice (Acting)

Meghalaya



10.09.2024
"V. Lyndem PS"

