Serial No. 32-33
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 157 of 2023 with
WP(C) No. 159 of 2023 Date of Decision: 25.09.2024

Smti. Ngurthansangi Sailo
D/o (L) F.L. Sailo
R/o Lumjiengsuk, Madanrting, Shillong
East Khasi Hills District, Meghalaya :::Petitioner

-Vs-

1.North Eastern Hill University, Shillong
Represented by its Vice Chancellor

2.The Registrar, NEHU, Shillong

3.The Assistant Registrar, (Esstt II),
NEHU, Shillong :::Respondents

Smti. Irene V. Hmar,
W/o Shri. L. Ralte,
R/o Sawlad, Madanrting, Shillong
East Khasi Hills District, Meghalaya :::Petitioner

-Vs-

1.North Eastern Hill University, Shillong
Represented by its Vice Chancellor

2.The Registrar, NEHU, Shillong

3.The Assistant Registrar, (Esstt II),
NEHU, Shillong :::Respondents

Coram:

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

Appearance:

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

For the Respondent(s) : Mr. S. Sen, SC NEHU.

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

ii) Whether approved for publication in press: Yes/No

JUDGMENT AND ORDER (ORAL)

1. These two writ petitions being similarly situated on facts and circumstances are being disposed of by this common judgment and order. The petitioner in WP(C) No. 157 of 2023, is currently serving as Section Officer, w.e.f. September 2018, and the petitioner in WP(C) No. 159 of 2023, has been serving in the post of Section Officer also since 01.10.2014.

2. The grievances as put up in the writ petitions are that as per the terms and conditions of service, and recruitment rules for the posts of Assistant Registrar, which were prevalent, the qualifying service for Section Officer to be considered for promotion was that he/she should have completed three years of regular service as Section Officer on or before 1st day of January

immediately preceding the meeting of the DPC. It is the petitioners case that in view of they having the qualifying years of service, the respondents by a letter dated 07.07.2022, had asked the petitioners to report for personal interview before the Departmental Promotion Committee on 15.07.2022. This however, did not take place in view of a letter dated 19.01.2022, issued by the UGC, which advised that as the Cadre Recruitment Rules were to be restructured, the respondents were not to fill up the regular Non-Teaching posts.

3. Mr. S. Deb, learned counsel appearing on behalf of the petitioners has submitted that at the time and date i.e. 07.07.2022, when the petitioners were called for the personal interview before the DPC, as the new recruitment rules were not in place, the petitioners were eligible. He further submits that at this point of time also the letter dated 19.01.2022, which supposedly created an embargo was already in existence, which however did not prevent the respondents from requesting the petitioners to appear for the personal interview scheduled on 15.07.2022. The learned counsel contends that however for reasons best known to the respondents, the said DPC was never held, and inspite of the advent of the new recruitment rules, wherein the petitioners are also eligible for consideration, and inspite of the availability of vacant posts of Assistant Registrar, no fresh DPC had been announced. He therefore submits that they having been found eligible to be

called before the DPC for consideration in the earlier occasion, there is no reason for the respondents not to conduct a fresh DPC, to fill up the vacant posts of Assistant Registrar. He therefore prays that appropriate directions be issued to direct the respondents to hold a DPC within the shortest possible period.

4. Mr. S. Sen, learned Standing counsel for NEHU has submitted that a mere request to attend an interview before the DPC does not cloak the petitioners with any vested right to seek a mandamus to direct the respondents for constitution and conduct of the DPC to consider their promotion. It is further submitted that other factors are in play as to their suitability and eligibility to be considered for promotion. Learned counsel has also contended that the earlier DPC was not carried forward, in view of the embargo which has been placed by the UGC, with regard to the revamping of the recruitment rules. He therefore submits that no case has been made out by the writ petitioners to warrant any directions at this stage.

5. Having heard the learned counsel for the parties, it is firstly noted that both the writ petitioners even by the application of the new recruitment rules are eligible, as they possess the required years of service to qualify them for consideration for promotion to the posts of Assistant Registrar. An aspect that cannot be ignored is that the respondents themselves, on the suitability or eligibility of the petitioners had called them for an interview as

far back as on 07.07.2022, but however, even though the new rules are in place have not constituted a fresh DPC to fill up the vacant posts of Assistant Registrar. Though the learned counsel for the petitioners has also insisted that, if the DPC is held now, the same be in terms of the earlier recruitment rules, the same cannot be accepted, inasmuch as, it is not a case that the DPC has already been conducted and the petitioners were short listed for promotion, but infact was at the nascent stage of consideration thereof.

6. However, looking into the totality of the facts and circumstances surrounding the case, and the fact that the petitioners are eligible to be considered, it is directed that the respondent University take necessary action to re-constitute a DPC, to consider the case of the petitioners for promotion, which is of course to be subject to availability of vacant promotional posts. It is expected that the same be done at the earliest preferably within a period of 6(six) months, as it is reported that the petitioners are at the fag end of their service.

7. With the above noted directions, these writ petitions stand closed and disposed of.

Chief Justice (Acting)

Meghalaya
25.09.2024
"D.Thabah-PS"

Signature Not Verified
Digitally signed by DARIHUN THABAH
Date: 2024.09.25 18:01:27 IST