



Serial No.24
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 255 of 2023

Date of Decision : 11.12.2024

Shri. Ferdinand Dondor Diengdoh

...Petitioner

-Versus-

1. The State of Meghalaya,
Represented by the Commissioner and
Secretary, Govt. of Meghalaya,
Education Department, Shillong.
2. The Director,
Directorate of Higher and Technical Education (T),
Meghalaya, Shillong.
3. The Director,
Directorate of School Education and Literacy,
Meghalaya, Shillong.
4. The Member Secretary,
District Selection Committee,
East Khasi Hills District, Shillong.
5. Shri. Nicholas Kharkongor
R/o. Pine Mount School Quarter, Shillong
East Khasi Hills District, Meghalaya.
6. Managing Committee
Pine Mount School,
East Khasi Hills District, Shillong.
7. The Principal,
Pine Mount School,
East Khasi Hills District, Shillong.

...Respondents



Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. K.V.E.Kharnongbak, Adv.

For the Respondent(s) : Mr. A.Khan, GA for R 1-4 & 7.
Mr. S.R.Lyngdoh, Adv. for R 5.

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| i) | Whether approved for reporting in
Law journals etc: | Yes/No |
| ii) | Whether approved for publication
in press: _ | Yes/No |
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JUDGMENT AND ORDER (ORAL)

1. The writ petitioner is aggrieved with his non-appointment as Duftry for which he had qualified in the selection conducted by the District Selection Committee on 06-10-2017. It appears that on the recommendation for the post of Grade IV, the petitioner was appointed as Lab Bearer in the respondent No. 7 School, vide order dated 23-12-2017 and has continued as such, till date.

2. Mr. K.V.E.Kharnongbak, learned counsel for the petitioner has submitted that though the petitioner was selected to the post of Duftry which is a Grade III post, he was appointed as Lab Bearer and this was corrected by the respondent No. 7 vide a letter dated 27-06-2023, whereby



he was given appointment as Duftry in the scale of pay of Rs. 19000-44800/-. He however submits that this order was never acted upon and till date, he is continuing as Lab Bearer. He therefore prays that appropriate orders be issued directing the respondents to accommodate him against a post of Duftry and be paid a higher scale than what he is enjoying now.

3. Mr. A.Khan, learned GA appearing for the State respondents Nos. 1-4 & 7, had initially submitted that the post of Duftry was a promotional post from Grade IV Peons and in this context had relied upon the ‘Meghalaya (Civil) Secretariat (Record Supplier, Duftry, Jamadar, etc. and Other Grade IV Staff) Service Rules, 1986’. On query from the Court as to the applicability of the said Rules as the same pertains to the Meghalaya (Civil) Secretariat, Mr. A.Khan, learned GA then sought clarification and has today produced the Rules as applicable to the services of the petitioner in the School which is titled as the ‘Meghalaya Directorate (Duftry, Jamadar etc and Grade IV) Service Rules, 1994’, and submits that Rule 6 (1) (i) provides that the method of recruitment to the post of Duftry is by promotion from amongst the literate Peons in the respective Directorate possessing the required qualification. He therefore, submits that the selection of the DSC as Duftry being an aberration as the selection process was for Grade IV posts, his appointment however being to the correct grade, no interference is called for by this Court.



4. Mr. S.R.Lyngdoh, learned counsel appearing for the respondent No. 5, submits that he being the senior most from amongst the Peons has a vested right to occupy the post of Duftry as per relevant Rules.

5. Having heard learned counsel for the parties and having considered the materials on record, it appears that the selection by the DSC (District Selection Committee) as is evident from the letter dated 28-11-2017, was for Grade IV posts and the recommendation was for a Grade IV post and not Grade III post, which is the post of Duftry. The petitioner was therefore correctly appointed as Lab Bearer which is a Grade IV post. The nomenclature given in the selection being an aberration and an error committed on the part of the DSC which had conducted the selection for Grade IV posts, no right can be said to have vested on the petitioner to claim the higher Grade III post. Furthermore, it is seen that Rule 6 (1) (i), of the Meghalaya Directorate (Duftry, Jamadar etc and Grade IV) Service Rules, 1994, has categorically provided for the method of recruitment for the post of Duftry, which for the sake of convenience is reproduced herein below:

“6. Method of Recruitment:- (1) (i) Duftry :- Appointment to the posts of Duftry shall be made by promotion from amongst the literate Peons in the respective Directorate possessing the qualification and experience as specified in Schedule I and included in



the Select list approved under sub-rule (4) of Rule 9.”

6. Accordingly, for the reasons aforementioned, no case is made out for any interference by this Court, and the writ petition stands dismissed.

Judge