

Serial No.18
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 402 of 2022

Date of Order :14.02.2024

Shri. Nicholas P.Koch Vs. State of Meghalaya & Ors.

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. S.A.Sheikh, Adv.

For the Respondent(s) : Mr. H.Abraham, GA.

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

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

ORAL

1. The writ petitioner who was temporarily appointed to the post of Multiple Services Provider (MSP), vide order dated 15-03-2018 in Damalgre C&RD Block, South West Garo Hills, is before this Court being aggrieved with the suspension/cancellation of the appointment which was issued vide order dated 16-03-2018.

2. The respondents, it appears, by letter dated 05-04-2019, had in a communication addressed to the writ petitioner set out the reasons that the termination of the writ petitioner had been necessitated as the post of Multiple Services Provider had not been created for Rerapara C&RD Block even after a lapse of six months from the said appointment order. In the same letter, it has also been indicated that the writ petitioner's employment was terminated on the grounds of misbehavior and misconduct.

3. Mr. S.A.Sheikh, learned counsel for the petitioner submits that the reasons for cancellation of the appointment is not illegal but only irregular, inasmuch as, it is a fact that the post of Multiple Service Provider has not been created in Rerapara C&RD Block. However, with regard to the second observation that the writ petitioner's employment was terminated due to misbehavior and misconduct, the learned counsel submits that this is impossible, inasmuch as, the appointment letter was issued on 15-03-2018 and the termination letter was issued on 16-03-2018. He therefore, prays that in the event and as is evident by the affidavit of the respondents that the post is in the process of being created, the writ petitioner would be satisfied if his candidature is considered favourably against the said post.

4. Mr. H.Abraham, learned GA having referred to the affidavit filed on behalf of the respondent No. 3, has submitted that whenever the post of

Multiple Service Provider is created for a newly created C&RD Block, due selection process will be followed for such appointment, and therefore, as and when the said post is created, the petitioner if eligible, will be considered against the post.

5. Considering the submissions made by the learned counsel for the parties and the absence of any materials to show that the termination of the services of the writ petitioner as Multiple Service Provider was for any other reasons than the non-existence of the post, this writ petition is disposed of with a direction that, as and when the post of Multiple Service Provider is created for Rerapera C&RD Block, the petitioner also having undergone training for the same, be considered and allowed to take part in the selection process.

6. With the above direction, this writ petition stands closed and disposed of.

Judge

Meghalaya
14.02.2024
"Samantha PS"