



Serial No.05

Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC[WP(C)]. No. 188 of 2024 in
WP(C). No. 300 of 2024

Date of Decision : 20.11.2024

1. Shri. Barnes Sangma.
2. Shri. Sebop Sangma.

...Applicants

-Versus-

1. Smt. Silna N.Marak,
D/o. Shri. Kresdabal N. Sangma
R/o Dobu Rinding
P.O. Dobu, P.S.Williamnagar
Meghalaya-79111.

...Respondent

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. P.T.Sangma, Adv.

For the Respondent(s) : Ms. D.Mawrie, Adv.

- | | |
|---|--------|
| 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. Heard Mr. P.T.Sangma, learned counsel for the applicants/respondents No. 4 & 5, who have sought for vacation/modification of the order dated 29-08-2024, whereby this Court had provided in the interim that the impugned notice cancelling the selection process, where the petitioner had been selected be kept in abeyance.

2. Mr. P.T.Sangma, learned counsel submits that the cancellation of the selection was only due to the reason that there was error in the advertisement, inasmuch as, the mandatory requirement of MTET had not been included, and the petitioner though being selected and placed at No. 1 could not be approved due to the lack of this qualification. He further submits that this misc. application has been filed for vacating the interim order so that the School may go ahead to re-advertise the post to fill up the vacancy.

3. Ms. D.Mawrie, learned counsel on behalf of the writ petitioner/opposite party has submitted that the treatment given to the writ petitioner is absolutely arbitrary, inasmuch as, as per the advertisement dated 22-05-2023, it was nowhere mentioned that MTET was part of the necessary criteria. She further submits that the writ petitioner has been put to irreparable loss, inasmuch as, the cancellation was notified only on 31-07-2024, after nearly a year had elapsed from the selection when she had



legitimate expectation of being appointed as Assistant Teacher in the concerned School. She further prays that the main matter be heard and to decide the entire issue.

4. Mr. H.Kharmih, learned Addl. Sr. GA on behalf of the State respondents has also concurred to the submissions made by Mr. P.T.Sangma, learned counsel with regard to the mandatory requirement of MTET qualification, and submits that the same having been notified by a Notification dated 01-07-2020, there is no question of the same not being complied with by the School.

5. Having heard learned counsel for the parties, it appears that the advertisement issued by the School though not stating that MTET is a required qualification, the same however, cannot be over and above the requirement as provided by law which has also been upheld by this Court in a series of judgments, whereby MTET has been made a mandatory requirement for teachers who are to teach in the Lower and Upper Primary Schools. In this view of the matter therefore, the undisputed fact being that the writ petition does not have a MTET qualification, the interim order passed shall stand vacated.

6. The learned counsel for the respondents submit that since the subject matter in issue had already been gone into, the main writ petition can also be disposed of in terms of the same order. The same is objected to by Ms.



D.Mawrie, learned counsel who prays that the matter be given further hearing.

7. Accordingly, the interim order stands vacated and the main writ petition be listed after three weeks.

8. Misc. case accordingly stands disposed of.

Judge