



Serial No.14
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 488 of 2022

Date of Decision : 22.10.2024

BNC/534 Dhononjoy Hajong.

...Petitioner

-Versus-

1. The State of Meghalaya of Meghalaya represented by Chief Secretary to the Govt. of Meghalaya.
2. The State of Meghalaya represented by the Secretary to the Govt. of Meghalaya Home (Police) Department.
3. Commandant 6th Battalion,
Meghalaya Police Umran,
Ri-Bhoi District, Meghalaya.

...Respondents

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Ms. R.Kharshiing, Adv.
 Ms. C.B.Sawain, Adv.

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

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| 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 Ms. R.Kharshiing, learned counsel for the petitioner. The petitioner being aggrieved with an order dated 31-08-2022, whereby he has been discharged from service, is before this Court by way of the instant writ petition with a prayer for setting aside the said impugned order and for other consequential orders.

2. The brief facts of the case are that the writ petitioner had appeared for recruitment to the post of Constable in the year 2010 and was issued with a Provisional Appointment Letter dated 16-11-2011, after which the petitioner started serving in the office of the respondents. However, it transpired at a later stage i.e. in 2015, that the petitioner in fact had impersonated another selected candidate whose name was similar and the same was detected by the statement of accounts namely, PRAN i.e. Permanent Retirement Account Number. Thereafter, proceedings were drawn up against the writ petitioner who was then discharged by the impugned order, on having been found that his appointment was illegal and irregular, inasmuch as, he had never been selected for appointment as a Constable.

3. Ms. R.Kharshiing, learned counsel for the petitioner submitted that the petitioner on a bonafide belief that his name i.e. Dhononjoy Hajong had been misspelt as Dhananjoy Hajong, on the declaration of the results, had approached the respondents for correction of the name and it was at



that point of time that the Provisional Appointment Letter dated 16-11-2011 was issued. It is further submitted that the writ petitioner had since lost his Admit Card and could not verify the Roll Number to ascertain the correctness of the same and that there are no materials to show that the writ petitioner was not the selected candidate. It is also contended that the petitioner's dismissal from service, even after being afforded adequate opportunity is illegal and liable to be set aside.

4. Mr. S.Sen, learned GA on behalf of the State respondents has submitted that the case is a pure case of impersonation, inasmuch as, in every examination, to ascertain as to whether one has qualified or not, the Roll Number is first looked at. He submits that the very fact that the writ petitioner being fully aware of his Roll Number at the initial stage, had impersonated another selected candidate in order to secure appointment is illegal and amounts to a criminal act. Learned GA has taken this Court through the materials from the writ petition itself, wherein it is reflected that even in the Provisional Appointment Letter, the writ petitioner had sought to change the name by hand from Dhananjoy to Dhononjoy. It is further submitted that due process of law has been adopted which has resulted in the discharged of the writ petitioner, as such, no interference is called for.

5. I have heard learned counsel for the parties.



6. On a bare perusal of the materials as placed, firstly, it is noted that the writ petitioner had been allowed adequate opportunity to defend himself and to produce materials in his defense. It is also noted that the documents relied upon by the respondents were inspected and in fact, the writ petitioner had filed two show causes on the charges framed against him. From the materials as placed and from the affidavit, it can clearly be seen that in the selection process, the selected candidate's Roll Number was 8584, whereas the petitioner's Roll Number was 33003. This Court has also ascertained the same from an annexure appended to the affidavit at Annexure-4, wherein the relevant name appears at page 32, Sl. No. 68 of the affidavit, showing the name of the selected candidate, Shri. Dhananjoy Hajong and not the name of the petitioner which is Dhononjoy Hajong.

7. In this backdrop therefore, without any further discussions on the facts of the case, the petitioner on the charges made against him having been given adequate opportunity in a duly constituted departmental proceeding, and a reasoned decision having been arrived at, no interference is called for and the writ petition is dismissed.

Judge