



Serial No.19
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 50 of 2025

Date of Decision : 17.03.2025

Shri. Phrangshai Hynniewta

...Petitioner

-Versus-

1. The State of Meghalaya,
Represented by the Chief Secretary to the
Government of Meghalaya, Shillong.
2. The Commissioner and Secretary,
Education Department,
Government of Meghalaya,
Shillong.
3. The Director of Higher and Technical
Education, Meghalaya, Shillong.
4. The Secretary,
Meghalaya Public Service Commission,
Shillong, East Khasi Hills District.
5. The Member Secretary,
Meghalaya Education Recruitment Board,
Shillong.

...Respondents



Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. S.P.Mahanta, Sr. Adv. with
Mr. L.M.Sangma, Adv.
Mr. M.Lyngdoh, Adv.

For the Respondent(s) : Mrs. T.Yangi B, AAG with
Ms. Z.E.Nongkynrih, GA for R 1-3&5.
Ms. B.Kharwanlang, Adv. for R 4.

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. As affidavit has been filed by the respondent No. 3 i.e. the Director of Higher and Technical Education, Meghalaya, wherein it has been stated that the writ petitioner was appointed under regulation 3 (f) of the Meghalaya Public Service Commission Regulations and that his last extension of 4 months was made on 16-05-2023 and as such, as per records available, he is no longer in employment. In the affidavit, it is given that the decision to fix the eligible age is a policy decision and as such, the same was given in the advertisement. As such, the learned AAG submits



that there is no case made out for interference at this stage as the last date for filing of the application is on 19-03-2025.

2. Mr. S.P.Mahanta, learned Sr. counsel assisted by Mr. L.M.Sangma, learned counsel on behalf of the writ petitioner has vehemently submitted that the instant case is a fit case for this Court to pass directions in exercise of the powers under Article 226 of the Constitution, as grave injustice has been caused to the writ petitioner who has been serving for the last 9 years in the post as Assistant Professor Geography, and in fact he submits the continuation for the extension of his service is still under process before the Meghalaya Public Service Commission. He further submits that the writ petitioner had legitimate expectation of being able to sit for the selection, but due to the age bar, his hope will not be able to be realized. He therefore prays that some concession be given by this Court to allow him to at least put in his application before the last date.

3. I have heard learned counsel for the parties. It is undisputed that the advertisement has prescribed the upper age limit as given in para 3 thereof is 32 years as on 01-01-2025 with the usual relaxation of 5 years for SC/ST candidates. It has also been provided therein that there is no age limit for candidates who are already in Meghalaya Government service provided they entered services within the prescribed age limit. The



petitioner as on 01-01-2025 is overaged by 1 month 4 days, and as such, in view of the prescription given in the advertisement was no longer eligible to apply for the same. As can be gathered from the writ petition itself, the said post against which the writ petitioner had been serving, has been advertised for the first time after 9 years and as such, it would not have been possible for the writ petitioner to apply when he was within age. Apart from the age criteria, the petitioner is eligible in all respects and as such if he was within age, would have been a suitable candidate for consideration.

4. Considering the facts and circumstances as they are situated and taking into account the advertisement is based on a policy decision made by the State Government, no interference is called for by this Court or any directions can be issued to relax the age only in the case of the petitioner.

5. However, considering the peculiar situation the petitioner is faced with, and having served for 9 years against the post which he aspires for selection, he is permitted to file a representation within today's working hours itself, by email or by a physical copy before the respondent No. 5, who shall consider the same by tomorrow itself as to whether the petitioner can put in his application for consideration, as a special case.



6. This order is being passed in light of the facts around this case alone and will not serve as a precedent for other cases.

7. Matter accordingly stands disposed of.

Judge