



Serial Nos. 1, 2, 3, & 4
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No. 12/2025 with
WA No. 13/2025
WA No. 14/2025
WA No. 15/2025

Date of CAV: 25.06.2025

Date of Pronouncement: 08.07.2025

1. North East Centre for Technology Application and Reach (NECTAR), Autonomous Society under the Department of Science and Technology, Government of India, Headquarter at Survey of India Campus, Bonnie Brae Estate, Barik Point, Shillong-793001, Meghalaya.

2. The Director General, North East Centre for Technology Application and Reach (NECTAR), Autonomous Society under the Department of Science and Technology, Government of India, Headquarter at Survey of India Campus, Bonnie Brae Estate, Barik Point, Shillong-793001, Meghalaya.

3. Chairman, Governing Council, NECTAR, Shillong.

4. Union of India, represented by the Secretary, Department of Science and Technology, 2nd floor Vishwakarma Bhawan, Shaheed Jeet Singh Marg, New Delhi-110016. Appellants

Vs

Ankit Shrivastava, S/o Shri V.K. Shrivastava, R/o Old Hospital Campus, MG Road, Khargaon (MP). Presently residing at 101, B4 Tower, Gardenia Glory Apartment, Sector-46 Noida, Uttar Pradesh-201303.

..... Respondent

1. North East Centre for Technology Application and Reach (NECTAR), Autonomous Society under the Department of Science and Technology, Government of India, Headquarter at Survey of India Campus, Bonnie Brae Estate, Barik Point, Shillong-793001, Meghalaya.

2. The Director General, North East Centre for Technology Application and Reach (NECTAR), Autonomous Society under the Department of Science and Technology, Government of India, Headquarter at Survey of India Campus, Bonnie Brae Estate, Barik Point, Shillong-793001, Meghalaya.

3. Chairman, Governing Council, NECTAR, Shillong.



4. Union of India, represented by the Secretary, Department of Science and Technology, 2nd floor Vishwakarma Bhawan, Shaheed Jeet Singh Marg, New Delhi-110016. Appellants

Vs

Simon Phukan, R/o House No.16, MG Road, Uznbazar, Rajbari, Guwahati, Assam. Presently residing at F 103, Pocket A, Near Phase I, DDA Flats, Katwaria Sarai, New Delhi. Respondent

1. North East Centre for Technology Application and Reach (NECTAR), Autonomous Society under the Department of Science and Technology, Government of India, Headquarter at Survey of India Campus, Bonnie Brae Estate, Barik Point, Shillong-793001, Meghalaya.

2. The Director General, North East Centre for Technology Application and Reach (NECTAR), Autonomous Society under the Department of Science and Technology, Government of India, Headquarter at Survey of India Campus, Bonnie Brae Estate, Barik Point, Shillong-793001, Meghalaya.

3. Chairman, Governing Council, NECTAR, Shillong.

4. Union of India, represented by the Secretary, Department of Science and Technology, 2nd floor Vishwakarma Bhawan, Shaheed Jeet Singh Marg, New Delhi-110016. Appellants

Vs

Shri Simanta Das, S/o (L) Robin Chandra Das, R/o Survey of India Campus, Barik Point, Shillong-793001, East Khasi Hills District, Meghalaya. Respondent

1. North East Centre for Technology Application and Reach (NECTAR), Autonomous Society under the Department of Science and Technology, Government of India, Headquarter at Survey of India Campus, Bonnie Brae Estate, Barik Point, Shillong-793001, Meghalaya.

2. The Director General, North East Centre for Technology Application and Reach (NECTAR), Autonomous Society under the Department of Science and Technology, Government of India, Headquarter at Survey of India Campus, Bonnie Brae Estate, Barik Point, Shillong-793001, Meghalaya.

3. Chairman, Governing Council, NECTAR, Shillong.



4. Union of India, represented by the Secretary, Department of Science and Technology, 2nd floor Vishwakarma Bhawan, Shaheed Jeet Singh Marg, New Delhi-110016. Appellants

Vs

Shri Rakesh Kumar Sarmah, Survey of India Campus, Barik Point, Shillong-793001 Meghalaya. Respondent

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance in WA Nos. 12, 13 & 14 of 2025:

For the Appellants : Dr. N. Mozika, DSGI with
 Ms. K. Gurung, Adv.
 For the Respondent : Mr. K. Paul, Sr. Adv with
 Mrs. R. Dutta, Adv.
 Mr. S. Chanda, Adv.
 Mr. S. Khyriem, Adv.
 Mr. B. Snaitang, Adv.

Appearance in WA No. 15 of 2025:

For the Appellants : Dr. N. Mozika, DSGI with
 Ms. K. Gurung, Adv.
 For the Respondent : Mrs. P.D. Bujarbaruah, Sr. Adv with
 Ms. D. L. Marshilong, Adv

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| i) | Whether approved for reporting in Law journals etc.: | Yes |
| ii) | Whether approved for publication in press: | Yes |

Note: For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.



JUDGMENT

(Delivered by the Hon'ble, the Chief Justice)

North East Centre for Technology Application and Reach (NECTAR), is described by the Government of India as “an autonomous society under the department of Science and Technology”. It has its headquarters at Shillong, East Khasi Hills District, Meghalaya. This society has a Governing Council and an Executive Council. The appellant No.2, the Director General is the executive head of NECTAR. This society was set up in 2012 with a sanction for 31 regular posts.

On 10th July, 2022, this organisation issued an advertisement inviting applications for filling up various vacant posts on “deputation/(including short term contract)/absorption failing which by direct recruitment”.

We are concerned with the applications made by *Rakesh Kumar Sarmah* [WP (C) No.420 of 2022]; *WA No.15 of 2025* for the post of *Chief Coordinator (Technical)*; *Simanta Das* [WP (C) No.430 of 2022]; *WA No.14 of 2025* for the post of *Chief Radio Technologist*; *Simon Phukan* [WP (C) No.433 of 2022]; *WA No.13 of 2025* for the post of *Senior Administrative Officer*; *Ankit Shrivastava* [WP (C) No.112 of 2023]; *WA No.12 of 2025* for the post of *Software Engineer*. They were writ petitioners in the writ petitions and are respondents in the appeals.



All were scientific posts except the post of Senior Administrative Officer applied by Simon Phukan. In each category, there was one vacant post only to be filled up. Each of the respondents was called for an interview; each was issued an offer of appointment on 23rd November, 2021 by the respondent No.2. Each of the respondents joined the post contemporaneously and have been drawing pay and allowances specified in the letter of appointment.

The respondents were most intrigued and surprised by a letter dated 7th October, 2022 by the Director General to each of them cancelling the appointment. It referred to the directive of the Governing Council to “scrap the recruitment process and initiate it afresh as early as possible”. The Director General also stated that the advertisement inviting applications was to be treated as “null and void”. The respondents were reverted back to their original posts.

What transpired between 23rd November, 2021 and 7th October, 2022 has been very lucidly described in the impugned judgment and order of the learned single judge dated 5th April, 2024. The selection of candidates had been made by a selection committee/interview panel duly approved by the Chairman of NECTAR, his lordship opined. On 21st February, 2022, the Executive Committee of NECTAR had approved the



recruitments. All members of the Governing Council signified their approval. The 8th meeting of the Governing Council was held on 18th April, 2022. Item No.4A of the agenda was “status of recruitment process and approval of Governing Council”. The recruitment process was approved at this meeting. The Secretary of the Science and Technology department who is the Chairman of the Governing Council could not attend. It was chaired by Dr. Renu Sharma, the Chief Secretary, Mizoram. It was reversed at the 9th meeting of the Council on 18th August, 2022. It appears that at the instance of the Secretary, the Governing Council resolved at the 8th meeting that the resolution be placed before him. Thereafter, the 9th meeting was convened when the resolution was recorded.

The learned judge went on to remark that the cancellation of appointments of the respondents was in breach of the principles of natural justice. The respondents were not given an opportunity of being heard. His lordship opined that the appointments of the respondents were neither illegal nor irregular and were to be reconsidered by the appellants for appointments in accordance with the rules. The impugned letter dated 7th October, 2022 was set aside and the writ petitions were allowed.



In this appeal the grounds taken by the appellants for taking such a drastic decision are these. By the terms and conditions of the advertisement, the posts were required to be filled up first by deputation and, if such candidates were not found by a selection process. Without ruling out the fact that the posts could not be filled up on deputation, the selection process had been undertaken. Secondly, the Director General had no power or authority to make the appointments.

On behalf of the respondent appointees, we have heard attractive submissions being made by Mr. K. Paul, learned Senior Advocate and Mrs. P.D. Bujarbaruah, learned Senior Advocate. Most importantly, Mrs. Bujarbaruah placed before us the General By-laws of NECTAR made under Rule 12(xiii) of the Rules of NECTAR. It is made by the Governing Council with the prior approval of the Central government. Rule 20 under Part-V dealing with the powers and duties of Director General. Rules 20 and 23 are set out below:

“20. The Director General shall coordinate and exercise general supervision over all the activities of the Centre. He shall also be competent to delegate any of the powers conferred upon him to such officers of the Centre working under him as may be considered necessary for effective and efficient functioning of the Centre.

23. Subject to the provisions of Bye-Law 20 above, the Director General shall be competent on behalf of the Centre to execute contracts, collaboration agreement(s) general/special



instruments, service agreements/agreements containing arbitration clauses, indemnity bonds and deeds in respect of or connected with sale/lease/license, mortgage, hypothecation, pledge, or other deed(s) of a legal character of whatever description, power(s) of Attorney to enforce guarantee(s) on any other legal rights, to incur legal expenses and to act as agent of the Centre for any purpose whatsoever relating to the affairs of the Centre.”

She submitted that these rules sufficiently empowered the Director General to make the appointments.

Mr. Paul, learned Senior Advocate submitted that at the 8th Governing Council meeting on 18th April, 2022, an ex post facto approval of the appointments which had been made by the Executive Council on 21st February, 2022, was made by the Governing Council.

Many of the appointees had resigned from their previous employment and joined the post and it was most unjust when their appointments were cancelled and they were reverted back to their original post.

Our views:

Director General is the executive head of NECTAR. By occupying such post, he had sufficient authority to make the subject appointments.

Moreover, under Rules 20 and 22 under Part V of the Bye-laws as placed by learned counsel, the Director General had sufficient



authority to start and conclude the subject selection process. The selection of candidates had been made by a selection committee/interview panel duly approved by the Chairman of NECTAR on 21st February, 2022. The Governing Council had approved the appointments. Then the Secretary, Department of Science and Technology desired the appointments to be placed before him. The Governing Council at the instigation of the Secretary, should not have turned around at the 9th meeting and cancelled the appointments. The purported exercise of power by the Secretary and at its 9th meeting by the Governing Council was totally irregular and arbitrary.

The appointments had every feature of legitimacy and validity. It had thus attained finality. This final outcome which was irreversible had been negated at the whim and caprice of the Secretary engineered through the Governing Council. Nothing could have been more unfortunate. The career of aspiring scientists has been jeopardised by this action.

More importantly, the appointees had treated the Director General as acting under ostensible authority. There was no reason to doubt the authenticity of a letter of appointment duly signed by the Director General under the seal of NECTAR. The appointees had every reason to



believe that the appointments were legally made through an authorised person. Any dispute in the Department with regard to the authority of the Director General was internecine and the appointees cannot and should not have been made victims of it.

For all those reasons, I could go even further than the ultimate order passed by the learned single judge and direct reversal of the cancellation of the orders of appointment of the respondents as if they were non est. The respondents are restored to their original appointment by the Director General without any interruption by cancellation. They shall be entitled to pay, allowances and all benefits without any interruption.

The appeals are dismissed.

The writ petitions are disposed of by affirming the order of the learned single judge together with the modifications and directions made by us above.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice