



Serial No21
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 206 of 2024

Date of Decision: 10.09.2025

Shri. Mahfuzar Rahman,
S/o (L) Abbas Ali Sarkar.

...Petitioner

-Versus-

1. State of Meghalaya,
Represented by the Commissioner and Secretary,
Health and Family Welfare Department,
Govt. of Meghalaya, Shillong.
2. The Director of Health Services (MI)
Government of Meghalaya, Shillong.
3. The District Medical & Health Officer,
West Garo Hills, Meghalaya.
4. The District Medical & Health Officer,
Ampati, South West Garo Hills,
Meghalaya.
5. Shri. Mustafizur Rahman,
S/o Habibor Rahman,
R/o Kukurmua, P.S. Mahendraganj,
South West Garo Hills,
Meghalaya.

...Respondents



Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Chief Justice (Acting)

Appearance:

For the Petitioner/Applicant(s) : Mr. M.R.Marak, Adv.

For the Respondent(s) : Mr. K.P.Bhattacharjee, GA,
Ms. S.Shyam, GA for R 1-4.
Mr. Philemon Nongbri, Adv. with
Mr. E. Lalsangluaia, Adv. for R 5.

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| i) | Whether approved for reporting in
Law journals etc: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |
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JUDGMENT AND ORDER (ORAL)

1. Heard Mr. M.R.Marak, learned counsel for the petitioner.
2. The writ petitioner, by way of this instant writ petition is impugning the appointment order dated 10-10-2002, appointing the respondent No. 5 as Chowkidar in Kukurmua Sub-Centre under Mohendraganj PHC, in lieu of the donation that had been made for 2(two) plots of land.
3. It is submitted by the learned counsel for the petitioner that the only grievance that remains now is that though 2(two) plots of land had been donated, for the first plot of land, the respondent No. 5, who he alleges is



not a close relative or related in any manner to the writ petitioner had been appointed instead of a family member. He submits that however, for the second plot of land, the writ petitioner's daughter has since been appointed on 08-02-2002. The only contention, he submits, is that the respondents without ascertaining the correct facts, had appointed a person who is not a family member or related to the writ petitioner in anyway. He therefore, prays for termination of the services of the respondent No. 5 and for appointment of a family member of the writ petitioner.

4. Mr. K.P.Bhattacharjee, learned GA appearing for the respondents No. 1-4, has submitted that the instant writ petition is not maintainable, inasmuch as, on the same cause of action, in an earlier round of litigation by way of WP(C). No. 262 of 2021, the writ petitioner had withdrawn the said writ petition without liberty to file afresh, which was allowed by this Court vide order dated 22-02-2024. He therefore, submits that on the point of res judicata itself, the writ petitioner is entitled to no relief and the writ petition is liable to be dismissed on this ground alone.

5. Mr. Philemon Nongbri, learned counsel for the respondent No. 5, apart from concurring to the submissions made by the learned GA, has further submitted that the writ petitioner is seeking to question an appointment that has been made as far back as 2002, and further submitted



that in fact the respondent No. 5 is the first cousin of the writ petitioner. He therefore, submits that the writ petition deserves no consideration and the same is liable to be dismissed.

6. On hearing the learned counsel for the parties and on going through the materials as placed, it is seen that it is a fact that firstly, the writ petition seeks to question an appointment that has been made as far back as 2002, and as such, on the ground of delay itself should be dismissed. Further, it is also noted that the writ petitioner had already approached this Court on an earlier occasion and withdrawn the said writ petition i.e. WP(C). No. 262 of 2021, without liberty to file afresh.

7. In these circumstances, therefore, no case is made out on behalf of the writ petitioner, and on the ground of delay and also res judicata, the writ petition is dismissed, however, with no orders as to costs.

Chief Justice (Acting)