



Serial No. 31
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 254 of 2024

Date of Decision: 19.05.2025

Shri. Sengman M. Sangma
S/o (L) R. Areng

:::Petitioner

-Vs-

1.The State of Meghalaya represented by
The Commissioner and Secretary to the
Government of Meghalaya, Education
Department, Government of Meghalaya,
Shillong

2.The Director of Mass and Elementary
Education, Shillong, Meghalaya

3.The Sub-Divisional Schools Education
Officer, Williamnagar, East Garo Hills
District, Meghalaya

4.The Secretary to the Government of
Meghalaya, Personnel & AR(B) Department,
East Khasi Hills, Shillong

5.The Accountant General, East Khasi Hills,
Shillong, Meghalaya

:::Respondents



Coram:

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

Appearance:

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

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

- | | | |
|-----|--|--------|
| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |
-

Oral:

1. The writ petitioner by way of the instant writ petition has prayed for post facto regularization of his service, in view of his service rendered as LDA Assistant in the Office of the Administrator, Primary Education, Garo Hills Autonomous District Council, Tura.

2. Mr. P.T. Sangma, learned counsel for the petitioner submits that as the writ petitioner has served for 8(eight) years before the cut-off year of 1994, when Primary Education was taken over by the State from the District Councils, he is therefore entitled to pension and other terminal benefits, which has been granted in respect of Non-teaching Staff who have completed at least 5(five) years of qualifying service. In this connection,



learned counsel has taken this Court to a letter dated 29th May, 2018, wherein a list of Non-teaching Staff who have completed at least 5(five) years of qualifying service has been given. The name of the petitioner, he submits figures in the list at Serial No. 5 from Resubelpara.

3. It is further submitted that in an earlier case namely WP(C) No. 223 of 2023, this Court has given the same consideration to other similarly situated employees. He therefore prays that by operation of the policy of the Government, with regard to Non-teaching Staff of erstwhile District Council Lower Primary Schools, the petitioner be granted pensionary benefits.

4. Mr. K.P. Bhattacharjee, learned GA for the State respondents No. 1-4 has submitted that the writ petitioner has never approached the State respondents with the prayer made before this Court and has appeared to have approached this Court directly. He submits that this matter may be directed to be examined by the State respondents at the departmental level and if the petitioner is entitled, it is but natural that he shall be granted the service benefits as prayed.

5. Having heard that learned counsel for the parties and on examining the records, it is noted that the Non-teaching Staff of the District Council Lower Primary Schools or attached to the Administrator have since been considered in the State Government Policy in the proposal for taking over of



their services by the Government. It is seen that in a communication dated 04.12.2012 (Annexure – 6 to the writ petition), the Director of School Education & Literacy has already been informed about the service rendered by the writ petitioner including his initial date of joining service and the financial implications that came with the post. By another communication dated 29.05.2018, the Special Officer to the Government of Meghalaya, Education Department had again sent the details of the Non-teaching Staff (both Office & Inspecting) who have completed 5(five) years of qualifying service, and the name of the writ petitioner is also present in the said list. Another communication is also present dated 02.08.2018, addressed to the Joint Director, School Education & Literacy, Meghalaya, Shillong, on the same subject matter with the details of the petitioner also provided. The petitioner has since superannuated on 30.11.2023, with the fate of his services rendered and pensionary benefits which are due still hanging in limbo.

6. From the materials placed in the writ petition itself, it is undisputed that the writ petitioner had joined service since 1986, and had rendered service of 8(eight) years before the taking over of Primary School Education by the State Government. However, it is strange inspite of the communications right from 2012 to 2018, no positive orders have yet been forthcoming from the State respondents.



7. In this view of the matter, though Mr. K.P. Bhattacharjee, learned GA has raised an objection as to no representation being made by the petitioner, the same apparently is not necessary, in view of the communications already acknowledged by the concerned respondents for consideration of the case of the petitioner.

8. Accordingly, to meet the ends of justice, the respondents are directed to process the case of the writ petitioner and pass effective orders preferably within 2(two) months from the date of this order.

9. Matter accordingly stands closed and disposed of.

Judge

Meghalaya
19.05.2025
"D.Thabah-PS"