



Serial No.01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 346 of 2024

Date of Decision: 15.09.2025

1. Shri. Rangehbok Lyngwa,
S/o. Shri. B.Phanbuh.

...Petitioners

-Versus-

1. State of Meghalaya
Represented by Commissioner/Secretary
to the Govt. of Meghalaya,
Education Department, Shillong.
2. The Principal Secretary to the Govt. of
Meghalaya, Education Department,
Shillong.
3. Under Secretary to the Govt. of Meghalaya,
Education Department, Shillong.
4. Director of Higher and Technical Education,
Govt. of Meghalaya, Shillong.
5. Joint Secretary to the Govt. of Meghalaya,
Education Department, Shillong.
6. The Director, Polytechnic & Shillong
Engineering, Shillong.
7. Additional Director, Polytechnic & Shillong
Engineering, Shillong.
8. Personnel & AR (Department),
Shillong, Meghalaya.



9. The Accountant General (A&E),
Meghalaya, Shillong.

...Respondents

10. Union of India represented by the
Secretary to the Education Department,
Govt. of Meghalaya, New Delhi.

11. All India Council for Technical Education,
Represented by Secretary, New. Delhi.

...Proforma Respondents

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. S.Sen, Adv.
Ms. E.Blah, Adv.

For the Respondent(s) : Mr. N.D.Chullai, AAG with
Mr. E.R.Chyne, GA for R 1-5 & 8.
Ms. E.B.Passah, Adv. vice
Mr. K.Kharmawphlang, Adv. for R 9.
Mr. S.Pandey, Adv. for R 11.

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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

1. The brief facts of the case are that the petitioner was initially appointed as a Lecturer in the Shillong Polytechnic Institute in the year 2004 and subsequently, was regularised in the said post. After the introduction of



the AICTE pay scale in the year 2009, benefits of the said pay scale as revised from time to time and incorporated in the regulations, have been extended to the petitioner. The AICTE pay scale also provides for opportunities to teachers including placement under the Career Advancement Scheme (CAS), and also increments for additional qualifications. The grievance of the writ petitioner is with an impugned letter dated 13-02-2024, whereby the State respondents in the Education Department, had stated therein, that though the writ petitioner was considered for the CAS, however, as he did not meet the AICTE Faculty Norms Regulation, 2010, inasmuch as, he only possessed 2nd Class both in Degree and Masters level, he was asked to exercise the option to continue in the existing AICTE scale with no further increments or CAS/promotion, or to revert back to the State scale with pay protection of the last pay drawn under the AICTE pay scale.

2. Mr. S.Sen, learned counsel for the petitioner has submitted that the impugned letter comes in direct conflict with the Notification dated 04-06-2016, which had been issued by the UGC in connection with the technical education qualifications and has drawn the attention of this Court to a Notification dated 04-01-2016, wherein he submits, provides for the relaxation in the minimum qualifying marks of 5% for SC/ST persons. He



therefore submits that on the face of the impugned letter itself, the same is untenable as the writ petitioner belonging to the reserved category is entitled to the benefit of 5% relaxation. The learned counsel has then referred to the latest Rules of 2019 i.e. the Notification dated 01-03-2019 of the AICTE, wherein at point No. 2.1, the cadre structure and mode of appointment has been given and he submits that a perusal of the table appended to the said Rule, will show that there is no distinction between promotion and direct recruitment. He closes his arguments by submitting that the petitioner coming well within the relaxation provided to Scheduled Tribe candidates in terms of qualification for appointment, there is no justification in denying further progress in his career on the ground that he had lacked the requisite 60% for consideration of the CAS.

3. Mr. N.D.Chullai, learned AAG assisted by Mr. E.R.Chyne, learned GA appearing for the State respondents at the outset, has vehemently submitted that the writ petition should be dismissed at the threshold itself, on account of suppression of material facts, and in this context has drawn the attention of this Court to page 21 of the affidavit-in-opposition filed by the State respondents No. 1-5 & 8, wherein a representation which had been preferred by the petitioner and others is annexed. Learned AAG has submitted that the relief sought by the writ petitioner is based on a



Notification dated 14-06-2013, whereby he was placed in Senior Grade and in the said representation, the writ petitioner has discredited the said Notification by representing that the Government is still following the said procedure prior to 27-10-2009 in placing the Lecturers with various Grades vide Government Notification dated 14-06-2013, which is not in accordance with the AICTE Notification, 2010. This very fact itself, it is argued by the learned AAG, makes the writ petitioner's case ineligible for any consideration and for any relief, inasmuch as, by the instant writ petition, what has been impugned is the supersession of the Notification dated 14-06-2013, by the letter dated 13-02-2024, which the writ petitioner has disowned. He therefore submits, on this ground alone, the writ petition should be rejected. In support of his arguments, the learned AAG has relied upon the following cases:

(i) *Dalip Singh vrs. State of Uttar Pradesh and Ors. (2010) 2 SCC 114.*

(ii) *State of Uttar Pradesh and Or.s vrs. Ravindra Kumar Sharma and Ors. (2016) 4 SCC 791.*

4. On another limb of argument, the learned AAG has submitted that the prescription for 55% is only with regard to appointment and will not apply in cases of promotion, and though the writ petitioner may be in service, the fact that he does not possess 60% percentile marks will render him ineligible



for consideration under the Career Advancement Scheme for promotion. Learned AAG has also referred to the AICTE Notification dated 04-01-2016, wherein in the table at Column No. 4, he submits, consideration is only for the purpose of appointment and not for promotion. The option given to the writ petitioner, it is further submitted, does not suffer from any infirmity, as presently, the State's pay scale exceeds the current scale of AICTE. In conclusion, the learned AAG submits that the writ petition therefore being bereft of any merit is liable to be rejected.

5. Mr. S. Sen, learned counsel for the petitioner, on the point of suppression that has been alleged by the State respondents as to the representation, has submitted that the same has been clarified in the rejoinder and it is inconsequential, inasmuch as, the AICTE scale prescribed for Senior Lecturer has never been extended to him, though granted in the order dated 14-06-2013.

6. On hearing the learned counsels for the parties, the only main issue in the opinion of this Court for adjudication, is whether the relaxation allowed of 5% by the UGC and as given in the AICTE Regulation to ST/SC candidates, can be limited only to appointment, and not be taken into consideration thereafter for future career advancement of other service benefits. The petitioner, it is noted, was placed in the Senior Grade AICTE



scale w.e.f. 04-06-2012 vide Notification dated 14-06-2013, and was considered for Career Advancement Scheme. However, by the impugned letter dated 13-02-2024, the earlier letter dated 14-06-2013, by which he was placed in the Senior Grade was superseded on the ground that he possessed 2nd Class at both Degree and Masters level, and as such, was then given the option either to continue in the existing AICTE scale with no further increments or CAS / Promotion, or to revert back to State scale of pay with pay protection of last pay drawn under the AICTE. The petitioner, it is not disputed, has secured 55.25 % marks in his Masters Degree, whereas, as per prevalent AICTE Faculty Norms Regulation, 1999, 2010 and 2016, First Class or equivalent at the Bachelors or Masters level in the appropriate branch (Humanities and Science) is required for consideration for CAS. It is noted that the non-consideration of the petitioner for CAS was only on this factor.

7. At this juncture, it would be expedient to refer to the AICTE Notifications on the Regulations on Pay Scales, Service Conditions etc. which had been issued from time to time. The Notification dated 01-03-2019, has at para 2.1 in the table appended thereto, given the cadre structure and mode of appointment and for the post of Lecturer, and it is noticed that the same, can be by promotion or by direct recruitment. In another AICTE Notification dated 04-01-2016, under the caption 'Issues related to



qualification’ at point No. 4 (b) on the issue of relaxation in minimum qualifying marks by 5% for SC/ST persons, it has been clarified as follows; *“Rules relating to reservation for the respective category including relaxation in minimum qualification criteria of the concerned State/UT/Central Government as applicable from time to time would be applied.”* The clarification therefore, would necessarily imply that a Scheduled Tribe candidate would be given the benefit of 5% relaxation in minimum qualifying marks. The only question that remains therefore is whether as contended by the State respondents, the same would apply only at the time of appointment, or whether the same would also hold good in the consideration for promotion or for advancement in the career.

8. The AICTE Notification dated 04-01-2016, as observed above, explicitly provides relaxation in the qualification for career advancement schemes of 5%. In this context therefore, this relaxation cannot be interpreted to confine the same only to initial appointments, and it is further seen that the Notification in the considered view of this Court, is in accordance with Article 16 and Article 335 of the Constitution of India, and supports the constitutional mandate under Article 335, that requires the claim of Scheduled Tribes be considered for appointments and promotions. A further consideration which works to the advantage of the petitioner is that the petitioner was placed in the AICTE pay scale from 2009, and has also



earned a PHD based on the incentives provided under the scheme and as such, has a legitimate expectation to be allowed to continue in the existing AICTE scale with provision for CAS/Promotion. The option given to the writ petitioner therefore, is unsustainable in the facts and circumstances of the case.

9. From the part of the State respondents, there has also been a serious objection as to whether the petitioner would be entitled to any of the reliefs as prayed for placement as Lecturer Senior Grade with effect from 04-06-2012 as per the Notification dated 14-06-2013, on the ground that the writ petitioner along with other Lecturers had represented against this very Notification itself, claiming the same to be not in accordance with an AICTE Notification dated 05-03-2010, which provided for the placement in respective pay bands dependent upon the qualification and length of service. This fact it is claimed, has been suppressed and not mentioned anywhere in the writ petition, which shows that the writ petitioner has not approached this Court with clean hands. On this aspect, though undeniably there has been no mention in the writ petition of the representation made by the writ petitioner and other Lecturers, this Court is only to examine as to whether the suppression of this fact, will materially affect the outcome of the writ petition.



10. It is noted that the impugned letter dated 13-02-2024, which was made in supersession to the Notification dated 14-06-2013, was on the premise that the writ petitioner lacked the prescribed qualification i.e., First Class in MA which would disentitle him to any further CAS progression. A perusal of the Notification dated 14-06-2013, however, would show that apart from the petitioner who was placed in the Senior Grade, with effect from 04-06-2012, other Lecturers were also similarly placed in the Senior Grade and Selection Grade AICTE scales, as per submissions, are enjoying the benefits thereof, as per the placement by the Notification, even though they also were co-signatories to the representation. Though it is settled law that a litigant who suppresses material facts, or makes a false statement cannot seek justice from the Court, however, it has been held in the case of ***Rekha Sharad Ushir vrs. Saptashruni Mahila Nagari Sahkari Patsansta Ltd. reported in 2025 SCC Online SC 641 (para 11)*** that the facts suppressed must be material and relevant to the controversy which may have a bearing on the decision making. In the instant case, the entire issue revolves around the eligibility and entitlement of the writ petitioner to upward movement in the CAS under the AICTE pay scale, and as this Court has come to a finding that in view of the relaxation that is provided of 5% by the AICTE Notification, the petitioner was eligible, though the filing of the representation against the Notification dated 14-06-2013, has been suppressed or not mentioned, the



same in the opinion of this Court, will not amount to affecting the decision making process. The judgments placed by learned AAG for the respondents being on a different set of facts and circumstances are not discussed or elaborated upon.

11. As such, in view of the facts and circumstances of the case, and the discussions made hereinabove, the impugned order dated 13-02-2024, is hereby set aside and quashed and the writ petition is allowed with all consequential benefits as admissible.

Chief Justice (Acting)