



Serial Nos.01 to 11
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No.75 of 2024 with
MC (WA) No.81 of 2024
WA No.76 of 2024 with
MC (WA) No.82 of 2024
WA No.77 of 2024 with
MC (WA) No.83 of 2024
WA No.78 of 2024 with
MC (WA) No.84 of 2024
WA No.79 of 2024 with
MC (WA) No.85 of 2024
WA No.80 of 2024 with
MC (WA) No.86 of 2024
WA No.81 of 2024 with
MC (WA) No.87 of 2024
WA No.82 of 2024 with
MC (WA) No.88 of 2024
WA No.83 of 2024 with
MC (WA) No.89 of 2024
WA No.3 of 2025 with
MC (WA) No.29 of 2025
WA No.4 of 2025 with
MC (WA) No.30 of 2025

Date of CAV: 06.03.2025

Date of pronouncement: 26.03.2025

1. The State of Meghalaya represented by the Commissioner and Secretary, Social Welfare Department, Government of Meghalaya.
2. The Director of Social Welfare, Meghalaya, Shillong.
3. The Joint Director of Social Welfare,
Meghalaya, Shillong.

...Appellants

- Versus -

Smti. Tamsin T. Sangma
W/o Shri. Linku Gare Momin
R/o Upper Wadanagng
P.O & P.S Chandmari,
West Garo Hills, Meghalaya-794001

...Respondent



1. The State of Meghalaya represented by the Commissioner and Secretary, Social Welfare Department, Government of Meghalaya.
 2. The Director of Social Welfare, Meghalaya, Shillong.
 3. The Joint Director of Social Welfare,
Meghalaya, Shillong.
- ...Appellants**

- Versus -

Smti. Euriva R. Marak,
W/o Shri. Ezekiel K. Marak ,
R/o Northern Hawakhana,
Tura, West Garo Hills,
Meghalaya-794104

...Respondent

-
1. The State of Meghalaya represented by the Commissioner and Secretary, Social Welfare Department, Government of Meghalaya.
 2. The Director of Social Welfare, Meghalaya, Shillong.
 3. The Joint Director of Social Welfare,
Meghalaya, Shillong.
- ...Appellants**

- Versus -

Smti. Hasina Khatun
W/o Shri. Sardar Harun Roshid
R/o Rajabala, West Garo Hills,
Meghalaya.

...Respondent

-
1. The State of Meghalaya represented by the Commissioner and Secretary, Social Welfare Department, Government of Meghalaya.
 2. The Director of Social Welfare, Meghalaya, Shillong.
 3. The Joint Director of Social Welfare,
Meghalaya, Shillong.
- ...Appellants**

- Versus -

Smti. Flora Tese K. Marak,
W/o Shri. Sengkam W. Momin,
R/o Pat's Cottage, Matchakolgre, Tura,
West Garo Hills, Meghalaya-794101

...Respondent



1. The State of Meghalaya represented by the Commissioner and Secretary, Social Welfare Department, Government of Meghalaya.
 2. The Director of Social Welfare, Meghalaya, Shillong.
 3. The Joint Director of Social Welfare,
Meghalaya, Shillong.
- ...Appellants**

- Versus -

Smti. Sunita Hajong,
W/o Shri. Sukanto Hajong,
R/o Proper Hawakhana,
Tura, West Garo Hills, Meghalaya-794001

...Respondent

1. The State of Meghalaya represented by the Commissioner and Secretary, Social Welfare Department, Government of Meghalaya.
 2. The Director of Social Welfare, Meghalaya, Shillong.
 3. The Joint Director of Social Welfare,
Meghalaya, Shillong.
- ...Appellants**

- Versus -

Smti. Arpana Hajong,
W/o Biplabjit Hajong,
R/o Kathalbaripara Village, P.O. Nojorpara,
South West Garo Hills, Meghalaya – 794106

...Respondent

1. The State of Meghalaya represented by the Commissioner and Secretary, Social Welfare Department, Government of Meghalaya.
 2. The Director of Social Welfare, Meghalaya, Shillong.
 3. The Joint Director of Social Welfare,
Meghalaya, Shillong.
- ...Appellants**

- Versus -

Smti. Dolly A. Sangma,
W/o Shri. Balsrang R. Marak,
R/o of Kolmesalgre, P.O. & P.S. Williamnagar,
East Garo Hills, Meghalaya-794111

...Respondent



1. The State of Meghalaya represented by the Commissioner and Secretary, Social Welfare Department, Government of Meghalaya.
 2. The Director of Social Welfare, Meghalaya, Shillong.
 3. The Joint Director of Social Welfare,
Meghalaya, Shillong.
- ...Appellants**

- Versus -

Smti. Janisha Ch. Marak,
W/o Shri. Lonin M. Sangma,
R/o New Daramgre,
P.O. Mibonpara, South Garo,
Hills, Meghalaya-794005

...Respondent

-
1. The State of Meghalaya represented by the Commissioner and Secretary, Social Welfare Department, Government of Meghalaya.
 2. The Director of Social Welfare, Meghalaya, Shillong.
 3. The Joint Director of Social Welfare,
Meghalaya, Shillong.
- ...Appellants**

- Versus -

Smti. Tiasha M. Sangma,
W/o Shri. Madan Lal Sinha,
R/o Ampati, South West,
Garo Hills, Meghalaya.

...Respondent

-
1. The State of Meghalaya represented by the Commissioner and Secretary, Social Welfare Department, Government of Meghalaya.
 2. The Director of Social Welfare, Meghalaya, Shillong.
 3. The Joint Director of Social Welfare,
Meghalaya, Shillong.
- ...Appellants**

- Versus -

Smti. Sonabal B. Sangma,
W/o Shri. Emerold Ch. Marak,
R/o Dolagia Village, P.O. & P.S Mahendraganj,
South West Garo Hills, Meghalaya

...Respondent



1. The State of Meghalaya represented by the Commissioner and Secretary, Social Welfare Department, Government of Meghalaya.
 2. The Director of Social Welfare, Meghalaya, Shillong.
 3. The Joint Director of Social Welfare,
Meghalaya, Shillong.
- ...Appellants**

- Versus -

Smti. Santana Banai Koch,
W/o Shri. Hitendra Koch,
R/o Ampati, South West Garo Hills, Meghalaya. **...Respondent**

Coram:

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

Appearance:

For the Appellants : Mr. N.D. Chullai, AAG with
Mr. J. Rynjah, GA

For the Respondents : Mr. A.S. Siddique, Sr. Adv.
Ms. A. Kharmyndai, Adv.

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

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.



J U D G M E N T

(Made by Hon'ble, the Chief Justice)

This batch of appeals is being disposed of by this common judgment and order.

The facts enumerated below relate to writ appeal (***WA No.75 of 2024-State of Meghalaya & ors v. Smti. Tamsin T. Sangma***) arising out of the writ petition (***WP (C) No.91 of 2023***). The facts in the other appeals are identical except that the respondent in writ appeal (***WA No.3 of 2025***) arising out of writ petition (***WP (C) No.101 of 2023***) was appointed on 3rd June, 2008.

The respondent-writ petitioner belongs to the Garo tribe of Meghalaya, which is recognised as a scheduled tribe protected by the special provisions of Articles 244(2) and 275(1) of the Constitution read with Sixth Schedule conferring special privileges, rights and benefits to Scheduled Tribes.

By an advertisement dated 10th/12th November, 2009, the Director of Social Welfare, government of Meghalaya invited applications for the post of Lady Supervisors. The eligibility criteria were these. A candidate should be a graduate, preferably in social work/home science or related fields, working knowledge in computer application and some work experience. If a candidate had the above qualifications, he or she could take part in a walk-in interview. The respondent-writ petitioner



participated in the walk-in interview. She was selected with the approval of the government under the Integrated Child Development Services Scheme under Regulation 3(f) of Meghalaya Public Service Commission (Limitation of Function) Regulations, 1972 on 25th January, 2010. By his letter dated 23rd February, 2010, the Director of Social Welfare wrote to the petitioner that she was appointed as a Lady Supervisor under the above regulations on a temporary basis and was being posted in the office of the Child Development Project Officer, (CDPO), ICDS Project Selsella, West Garo Hills for one year or till the post was filled up on a regular basis.

The post not being filled up by regular appointment, the temporary engagement of the respondent was extended by one year on 15th July, 2011 from the date of its expiry.

As averred in the petition, 19 persons were appointed on a temporary basis in the above post. Out of them three candidates recommended by the District Selection Committee were regularly appointed to the post of Lady Supervisors in the office of Child Development Project Officer, (CDPO), ICDS Project Rongara, South Garo Hills by an appointment letter dated 12th August, 2011.

In the affidavit-in-opposition filed by the Joint Secretary to the Government of Meghalaya, Social Welfare Department while dealing



with this averment in the writ petition, the deponent very cursorily stated in paragraph 13 as follows:

“13. That with regard to the averments made at paragraph 11 of the writ petition, the answering deponent has no comments to make as the recommendation was made by the District Selection Committee.”

When the above regularisation was made, the recruitment process had not been started. Meanwhile, the temporary contractual appointment of the respondent was extended from time to time.

Finally, on 25th June, 2015 and 9th November, 2015, the Secretary of District Selection Committee West and South West Garo Hills published advertisements inviting applications for this post from permanent residents of Meghalaya.

It appears from the records that all the temporary Lady Supervisors were instructed to apply for recruitment. The respondent duly applied.

This recruitment process was not proceeded with and could be deemed to have been dropped. In the meantime, on 28th November, 2013 the Director made a recommendation to his superior to regularise the services of these temporary hands. Neither were they regularised nor the recruitment process proceeded with or a new recruitment drive started. It is apparent from the averments in paragraph Nos.16 and 18 of the said affidavit which are extract below:



“16. That with regard to the averments made at paragraphs 16 to 22 of the writ petition, the answering deponent states that it is a fact that the District Selection Committee issued the advertisements dated 25.06.2015 and 09.11.2015. Pursuant to the issuance of the said advertisements, instruction was given to the Lady Supervisors, who were appointed on temporary basis, to apply for the posts so advertised through proper channel. Thereafter, a proposal was forwarded, vide letter dated 31.07.2015 (enclosed as Annexure – XVI of the writ petition), for regularization of the services of the Lady Supervisors who were temporarily appointed under Regulation 3(f). In response thereto, the letter dated 15.09.2015 (enclosed as Annexure – XVII of the writ petition) was communicated wherein it was informed that the proposal could not be accepted as the Lady Supervisors were appointed on temporary basis and would have to qualify through the regular recruitment process of appointment in order to be considered for regularization.

18. That with regard to the averments made at paragraphs 25 to 29 of the writ petition, the answering deponent states that the advertisement for filling up the post of Lady Supervisor was kept in abeyance since the Directorate had again taken up the matter of regularization with the concerned authority. It is pertinent to state herein that time and again the Directorate was informed that the proposal could not be accepted as the Lady Supervisors were appointed on temporary basis and would have to qualify through the regular recruitment process of appointment in order to be considered for regularization. It is reiterated herein that the Apex Court has held in a catena of judgments that regularization cannot be a mode of appointment and that regularization can only be done in accordance with the rules”.

On 15th September, 2015, the Social Welfare Department, Government of Meghalaya replied in the negative to the above recommendation for regularisation and remarked that 25 Lady Supervisors would have to qualify in a regular recruitment process.



On 23rd June, 2022, the government regularised those Lady Supervisors who had been appointed on or before 31st December 2007 on the following terms and conditions:

- “(i) Against sanctioned posts only.
- (ii) For only adhoc appointments made on or before 31st December, 2007.
- (iii) Subject to Rules and Regulations.
- (iv) Applies prospectively from date of issue of order and after the adhoc employees has undergone the special examination/interview conducted specifically for this purpose by the Meghalaya Public Service Commission or the District Selection Committee/Departmental Selection Committee concerned.”

The recruitment process has never seen the light of the day. In the meantime, the service of the respondent like her colleagues have been renewed from time to time. Lastly by an office order dated 23rd March, 2023 for 89 days from 26th March, 2023 to 22nd June, 2023.

In or about April, 2023, the respondent filed the instant writ petition with a solidarity prayer seeking a direction from this Court upon the respondent to regularise her services in the post of Lady Supervisor.

This writ along with ten other connected writ petitions made by similarly placed Lady Supervisors was heard before a learned single judge of this Court.



His lordship relied upon the order of the Personnel and Administrative Reforms Department dated 23rd June, 2022 relating to regularisation of ad hoc appointments made on or before 31st December, 2007.

The Court ruled that the writ petitioners before it had a legitimate expectation to be regularised as they had put in “long years of service and gained considerable experience”. The appellants were directed to conduct an interview in terms of clause (iv) of the above terms and conditions and to consider the respondent and the other respondents in the connected appeals for regularisation. However, a sentence was added that the order would not “serve as a precedent”.

The respondent as well as those in the connected appeals were appointed on similar terms and conditions, did the same work and otherwise placed in the same position as those who were regularised earlier.

It is true that those who were regularised rendered about 15 years of service whereas, the respondent and the other respondents in the connected appeals had rendered about three years less service. The Supreme Court in the case of *Secretary, State of Karnataka & ors v. Uma Devi (3) & ors* reported in (2006) 4 SCC 1 had said that in case for regularisation, 10 years of continuous service had to be rendered. Each of



these respondents has completed 10 years of service. The respondent had rendered continuous service on contract for 12 years against the sanctioned post continuously without interruption, without any stigma and with devotion, sincerity, responsibility and commitment.

Moreover, her colleagues were regularised. The respondent being similarly placed can claim similar treatment. There is no intelligible reason or explanation by the appellant for granting regularisation to the other employees and leaving out the respondent. On the above facts and circumstances, the conduct of the appellants has been arbitrary, unfair and discriminatory of the respondent.

There is no reason why the respondent should not be regularised. I am minded to grant even further relief to the respondent than given by the learned single judge by directing that the interview specified in clause (iv) would only be confined to factual verification of the identity, date of birth and for checking up the service records of the respondent without in any way attempting to disqualify her on the basis of any material in the service records and thereafter to regularise her in accordance with the administrative order of the government dated 23rd June, 2022.

This order is also passed in each of the appeals as if incorporated therein.



These appeals and the connected applications are accordingly dismissed. The impugned judgment and order of the learned single judge dated 28th May, 2024 is affirmed subject to the above modification. Compliance with this order is to be effected within six weeks of communication of this order.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

