



Serial No.02
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 375 of 2025

Date of Decision: 01.07.2026

Aman Pandey,
S/o Shri. S.N.Pandey,
R/o Krishi Bazar Prangan,
Nagnagar, District Dhanbad,
Jharkhand – 826004.

...Petitioner

-Versus-

1. The Union of India represented by the
Secretary, Ministry of Home Affairs,
Government of India, New Delhi.
2. The Directorate General of Assam Rifles,
Laitkor, Shillong, Meghalaya – 793010.
3. The Brigadier (Pers), H.Q.: Directorate
General Assam Rifles, Laitkor,
Shillong-793010, Meghalaya.
4. The Record Branch, H.Q.: Directorate
General Assam Rifles.
5. SO-2 (Rect)
Rect. Branch, HQ: DGAR, Shillong.
6. Commandant, Assam Rifles Training
Centre and School,
C/O 99 APO.
7. The Commandant,
HQ: 32 Assam Rifles,
C/O 99 APO.

...Respondents



Coram:

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

Appearance:

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

For the Respondent(s) : Dr. N.Mozika, DSGI with
Ms. M.Myrchiang, Adv.

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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 (ORAL)

1. The brief facts of the case are that the petitioner who was enrolled as Rifleman (Cook) on 5th September, 2022, while in such service, had applied for recruitment to the post of Warrant Officer under the respondents. The petitioner was selected for the post of Warrant Officer Radio Mechanic and was also given a provisional appointment letter by email directing him to report for duty on 2nd September, 2023. However, it appears as the NOC or clearance was not obtained in time, the writ petitioner inspite of being discharged from the post of Cook at his own request on 6th February, 2024, his subsequent appointment stood cancelled by a communication dated 13th February, 2024. Being aggrieved thereby, as he had been left without any means of employment, the writ petitioner is before this Court.



2. Mr. R.Jha, learned counsel for the petitioner has submitted that the writ petitioner on receiving the provisional appointment letter, had immediately on 30th August, 2023 applied for an NOC to enable him to join his new post of Warrant Officer. However, he submits inspite of the best efforts of the writ petitioner, the NOC was not forthcoming, and the discharge order was issued on 6th February, 2024, and consequently the provisional offer of appointment was also cancelled on 13th February, 2024. Learned counsel further submits that the entire chain of events cannot be attributed to any laches and negligence on his part, and in view of the arbitrary action of the respondents, he has been left out of job and moreover, an amount of ₹1,34,486/- which is three months' pay in lieu of notice for discharge has also been deposited by the petitioner. He therefore, prays that the Discharge Order dated 6th February, 2024 be set aside and also for a mandamus to issue as to why the writ petitioner shall not be appointed as Warrant Officer with all consequential reliefs.

3. Dr. N.Mozika, learned DSGI assisted by Ms. M.Myri Chiang, learned counsel for the respondents has submitted that as per Rule 55(e), a period of 180 days is allowed for any new recruit to report for joining. The petitioner, he submits, as per norm should have applied for an NOC to apply for the new post which was not done, and only on receipt of the provisional appointment letter had then sought for the same. He further submits that as



180 days as prescribed in Rule 55(e) of the Assam Rifles Rules had also lapsed, the petitioner is not entitled to any relief. However, notwithstanding the submissions made, the learned DSGI has referred to a communication dated 2nd December, 2025, whereby the petitioner had been called to the Headquarters for review of his case, and further, that the petitioner had reported, but had sought time which has left the case in suspended animation.

4. This Court has heard the learned counsel for the parties. From the facts as stated, it is seen that it is undisputed that the writ petitioner was regularly appointed as a Rifleman Cook in the year 2022, and also the factum of his being selected as Warrant Officer in 18th August, 2023. What transpired thereafter, has led to the present situation, wherein, in the course of the proceedings, the petitioner has been discharged from his regularly appointed post and cannot also join the new post to which he had been recruited to.

5. In this situation, this Court is to examine as to whether it is due to the petitioner's actions himself that has resulted in a situation where he has been left without appointment, or whether the respondents at this stage can reconsider his case. As observed earlier, the discharge was obtained on 6th February, 2024, and the letter of cancellation of appointment was issued on 13th February, 2024, i.e., a mere one week after the discharge. In the



considered view of this Court, the petitioner has been subjected to an unfortunate series of events, which though partly attributable to him in view of the fact that no NOC was sought prior to putting an application to the post of Warrant Officer, the situation which he is faced with now wherein he has lost a job in hand, and also a job to which he was recruited to, seems unjustified.

6. Accordingly, to shorten the matter, as it is seen from the letters dated 2nd December, 2025 and 22nd December, 2025 which are annexed to the affidavit of the respondents, the writ petitioner deserves a reconsideration or review of his case. It is therefore directed that the respondents shall reconsider the case of the petitioner and review the same. The review however, shall not only be limited to the consideration of reinstatement to the post of Cook, but shall also extend to his recruitment to the post of Warrant Officer. The exercise shall be conducted by the respondents within a period of three months from today. Petitioner is also directed to cooperate fully.

7. As ordered above, the matter stands allowed to the extent indicated above and is disposed of.

Judge