



Serial Nos. 26-28
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 403 of 2025 with
WP(C) No. 404 of 2025
WP(C) No. 405 of 2025

Date of Decision: 21.08.2026

WP(C) No. 403 of 2025

Smti Biullina K. Marak
D/o (L) Adwin K. Sangma,
R/o Gajingpara P.O & P.S. Mendipathar,
North Garo Hills District, Meghalaya

.... Petitioner(s)

Versus

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,
Resubelpara, North Garo Hills District, Meghalaya
4. The Secretary to the Govt. of Meghalaya,
Personnel & AR (B) Department,
East Khasi Hills, Shillong.

... Respondent(s)

**WP(C) No. 404 of 2025**

Smti Paelish Sangma,
D/o (L) Edosing G. Momin,
R/o Village Dadenggre, P.O & P.S. Dadenggre,
West Garo Hills District, Meghalaya

.... Petitioner(s)**Versus**

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,
Dadengiri, West Garo Hills District, Meghalaya
4. The Secretary to the Govt. of Meghalaya,
Personnel & AR (B) Department,
East Khasi Hills, Shillong.

... Respondent(s)**WP(C) No. 405 of 2025**

Shri Hedinath K. Marak,
S/o (L) Warendro Marak,
P.O & P.S. Bajengdoba,
North Garo Hills District, Meghalaya

.... Petitioner(s)**Versus**

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,
Resubelpara, North Garo Hills District, Meghalaya

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

... Respondent(s)

Coram:

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

Appearance:

For the Petitioner(s) : Mr. P.T. Sangma, Adv. with
Ms. J.T. Sangma, Adv.

For the Respondent(s) : Mrs. T. Yangi B, AAG with
Ms. R. Colney, GA

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

1. These three writ petitions being similarly situated are proposed to be disposed of by this common Judgment and Order.

2. In WP(C) No. 403 of 2025, the petitioner was appointed as Lower Divisional Assistant in the office of the Administrator, Primary Education, Garo Hills Autonomous District, Tura vide office order dated 01.04.1991.



3. In WP(C) No. 404 of 2025, the petitioner was appointed as Lower Divisional Assistant in the office of the Administrator, Primary Education, Garo Hills Autonomous District, Tura vide office order dated 29.01.1993.

4. In WP(C) No. 405 of 2025, the petitioner was appointed as Peon in the office of the Assistant to Administrator, Primary Education, Garo Hills Autonomous District, Resubelpara vide office order dated 31.01.1992, issued by the Deputy Inspector of School and Assistant to Administrator, Primary Education.

5. All the above noted writ petitioners are before this Court seeking regularization of their services on the basis that they are the Non-Teaching Staff of the District Council Lower Primary Schools which had been taken over by the State Government vide an Act known as ***The Meghalaya (Taking over the District Council Lower Primary School) Act, 1993***. The said Act came into force with effect from 02.06.1994, and as per the Act, all the liabilities of the Teachers who were present before December, 1993, as Teachers, were passed on to the State Government. However, with regard to the Non-Teaching Staff, the issue had remained unclear.

6. Mr. P.T. Sangma, learned counsel for the petitioners has submitted that the petitioners have rendered over 30 years of service, but



however in spite of the taking over of the schools by the State Government, their services have not been regularized. In this context, the learned counsel has placed reliance on the Judgment of this Court in the case of *Smti Jippora Momin vs. State of Meghalaya & Ors. passed in WP(C) No. 226 of 2023 dated 27.02.2024*, on similar facts and circumstances, wherein this Court had directed the State respondents to consider the case of the petitioner sympathetically. The learned counsel has also drawn the attention of this Court to a Cabinet Memorandum dated 01.12.2023, the subject of which is “*Cabinet Approval for taking over the Service by the State Government in respect of Non-Teaching Staff (both Office and Inspecting)*”, and has submitted that the names of the petitioners had been forwarded for consideration of regularization. He therefore, prays that in view of the facts and circumstances, directions be issued for consideration of regularization of the services of the petitioners, at the earliest.

7. Mrs. T. Yangi B, learned AAG assisted by Ms. R. Colney, learned GA for the State respondents has submitted that as the cutoff date as given in the Act is 02.06.1994, any employee or teacher to be given the benefit of regular service, the said person should have 5 years’ qualifying service, prior to the cutoff date. She submits that none of the petitioners have crossed the 5 years, though in the case of the petitioners in WP(C)



No. 403 of 2025 and WP(C) No. 405 of 2025, there is only a marginal shortfall. With regard to the Act and its implementation, as it was unclear as to whether the Non-Teaching Staff would be included in its implementation, it is submitted that as per the Minutes of a meeting held on 19.05.2026, in connection with other matters, the 'Committee for Regularization of Government/Non-Government Lower Primary School Teachers' noted that though the Act does not explicitly refer to Non-Teaching Staff, but they have been considered to be included as part of the school establishment. With regard to the Cabinet Memorandum referred to by the learned counsel for the petitioner, she submits that the same as it involves consideration for regularization of names appended to it, the cases of the petitioners will necessarily have to be considered taking into account all the facts and circumstances surrounding their services before any final orders are passed.

8. On hearing the learned counsel for the parties, this Court notes that these matters praying for directions for regularization of the Non-Teaching Staff of the District Council Schools since taken over under the Act, has been the subject matter of many writ petitions. In the earlier cases, this Court had issued orders, whereby the State respondents were directed to consider the cases of the petitioners as per their entitlements, relevant laws and policy.



9. In these writ petitions as noted above, the three writ petitioners were appointed as Lower Assistants and Peon by the Administrator prior to the cutoff date of taking over under *The Meghalaya (Taking over the District Council Lower Primary School) Act, 1993*.

Though it has been submitted that the petitioners should have served 5 years, prior to the cutoff date, this Court notes that firstly, they have been in service for more than 30 years, secondly similar cases had been directed to be considered by the State respondents as they belonged to the Non-Teaching Staff of the District Council Schools, which had been taken over, and thirdly in the annexure to the Cabinet Memorandum dated 01.12.2023, the names of the petitioners appear at Sl. Nos. 6 & 9, of Resubelpara Sub-Division and at Sl. No. 2, of Dadenggre Sub-Division, for consideration.

10. Without further prolonging the matter, it is thus directed that the State respondents consider the cases of the petitioners preferably within a period of 4(four) months from the date of this order. The writ petitioners if they so desire can also present fresh individual representations before the authorities for consideration along with a copy of this order, and on presentation thereof, the State respondents shall dispose the matter as per the directions given hereinabove, within the stipulated time.



11. With the above noted directions, these writ petitions stand closed and are accordingly disposed of.

JUDGE

Meghalaya
21.08.2026
"V. Lyndem-AR-PS"