Serial No. 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 433 of 2024

Date of Decision :30.01.2026

1. Smti Arjuma Begum,
   W/o Shri Rajiul Islam,
   R/o Village Haripur,
   P.O Haripur, P.S. Rajabala,
   District- West Garo Hills, Meghalaya

2. Smti Hashan Zarin Afrin,
   D/o Shri Golam Hashan,
   R/o Village Haripur,
   P.O Haripur, P.S. Rajabala,
   District- West Garo Hills, Meghalaya **… Petitioner(s)**

Versus

1. State of Meghalaya represented by
   The Commissioner & Secretary to the
   Government of Meghalaya,
   Community & Rural Development Department,
   Shillong, Meghalaya

2. The Mission Director,
   State Rural Employment Society (SRES)
   Shillong, Meghalaya.

3. The Deputy Commissioner & District Programme Coordinator,
   (MGNREGS), West Gato Hills, Tura

4. The Project Director,
   District Rural Development Agency, (DRDA), Tura
   West Garo Hills, Meghalaya

5. The Block Development Officer, (BDO) & Programme Officer,
   (MGNREGS), Selsella C&RD Block,
   West Garo Hills, Meghalaya

6. Smti Muslima Begum,
   W/o Shri Saminul Islam, elected president
   candidate of Haripur VEC,
   R/o Village Haripur,
   P.O Haripur, P.S. Rajabala,
   District- West Garo Hills, Meghalaya

7. Smti Rajina Sultana,
   W/o Shri Lalbahadur Islam, elected president
   candidate of Haripur VEC,
   R/o Village Haripur,
   P.O Haripur, P.S. Rajabala,
   District- West Garo Hills, Meghalaya **… Respondent(s)**

Coram:

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

Appearance:

For the Petitioner(s)	:	Mr. K. Paul, Sr. Adv. with Mr. S.K. Hassan, Adv. Mr. S. Chanda, Adv. Ms. M. Rahman, Adv.
For the Respondent(s)	:	Mr. A. Kumar, AG with Mr. A.H. Kharwanlang, Addl. Sr. GA Ms. S. Laloo, GA (For R 1-5) Mr. Philemon Nongbri, Adv. with Mr. R. Pahsyntiew, Adv. (For R 6&7)

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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 writ petitioners are before this Court with a prayer to set aside the election and the results dated 15.11.2024 of the Haripur VEC, with a further prayer that the respondent No. 5, conduct a detailed enquiry and verification of Job card holders to ensure free and fair elections. The grievance of the writ petitioners, is that in spite of a detailed complaint dated 25.10.2024, wherein details of anomalies in the Job cards of Haripur VEC were provided, the respondent No. 5, without conducting Job card verification, had issued an order dated 28.10.2024, declaring for the elections to be held to the Haripur VEC on 15.11.2024.

2. Mr. K. Paul, learned Senior counsel assisted by Mr. S.K. Hassan, learned counsel for the petitioners has submitted that the office of the respondent No. 5, without preparation of any electoral roll, had issued the order dated 28.10.2024, scheduling the elections on 15.11.2024, which prompted the petitioners to file RTI queries on 04.11.2024 for furnishing documents pertaining to the list of Job card holders of Haripur VEC. It is further submitted that in spite of the complaints, the elections were conducted on 15.11.2024, and the petitioners who had contested for the post of President and Secretary respectively, were unsuccessful due to the unfair malpractice and anomalies. The learned Senior counsel submits that the election therefore, not being

transparent and fair, has caused serious prejudice to the petitioners and other Job card holders.

3. To buttress his submissions, the learned Senior counsel has submitted that 9(nine) numbers of shifted Job card holders were allowed to cast their votes illegally, despite serious objections being raised. Similarly, he submits 17(seventeen) numbers of Dual Job card holders were also allowed to cast their votes, and further 3(three) numbers of proxy votes were also cast. Added to these irregularities he submits, as the polling was not completed on time, the officer-in-charge of the elections had issued 12(twelve) number of tokens to the Job card holders or voters to cast their votes, but however when these token holders sought to cast their votes, they were not allowed to cast the same. In view of these illegalities he submits, the petitioners had filed a complaint on 19.11.2024, which however, was never addressed. He submits that the entire elections being vitiated by these instances, directions may be issued to set aside the election and the results of Haripur VEC, conducted on 15.11.2024.

4. Mr. A. Kumar, learned AG assisted by Mr. A.H. Kharwanlang, learned Addl. Sr. GA for the respondents Nos. 1 to 5, in reply has submitted that the elections on 15.11.2024, was held after all due measures and steps had been taken to ensure that only eligible and qualified persons were enrolled as voters for the Haripur VEC election, and that the writ petitioners, are the unsuccessful candidates who had contested for the post of President and Secretary of the VEC

and lost by margins of over 100 votes. It is submitted by the learned AG that the office of the respondent No. 5, had on 16.10.2024 issued orders for Aadhar seeding along with directions to the concerned Gram Sevaks/Sevikas and Data Entry Operators, to hold the Aadhar campaign, conduct spot verification and entry into the Management Information System, of Job card holders who did not respond for Aadhar seeding, or deletion in cases of Dual Job cards/Death/Shifted Job card holders. Further he submits, by order dated 17.10.2024, the deputed officials were directed to conduct the Job card verification of Haripur VEC and to submit a report at the earliest, which was accordingly submitted on 28.10.2024, confirming that in accordance with the orders, the Job card verification had been conducted on 23.10.2024 and 24.10.2024. It is submitted that during the process, it was found that 28(twenty-eight) Job cards holders had expired and 5(five) Job cards holders were Dual/Shifted Job cards holders, and accordingly as per the guidelines, a total of 33(thirty-three) cards holders were to be deleted from the Management Information System. Thus, he submits, the list of eligible voters was prepared using the updated Job cards database. The complaint filed by the Goanbura he submits, was looked into and given due consideration, which upon examination however, did not warrant postponement of the scheduled elections.

5. It is also submitted that the writ petitioner No. 1, had contested the election for the post of President of Haripur VEC against the respondent No. 6,

and lost by a margin of 105 votes. Similarly, the writ petitioner No. 2, who contested for the post of Secretary against the respondent No. 7, lost by a wider margin of 111 votes, out of a total of the 697 votes, which were cast. The allegations made by the writ petitioners of proxy voting have also been denied, and the elections he submits, were held strictly in terms of the conditions, laid down wherein a Job card holder was to produce their original Job card at the time of voting. It is also submitted that complaints as to the token system, which was implemented as a practical measure to accommodate voters who could not cast their votes during regular polling hours were also examined, but the said complaint lack substantive materials, or evidence to suggest any procedural lapse. The attendance sheet itself he submits, of the Haripur VEC elections clearly and definitely reflect the names of the Job card holders, Job card numbers and signature, or thumb impression of all the total 697 eligible voters, who were present and had voted in the election. With regard to the complaint dated 19.11.2024, it is submitted by the learned AG that there is no record of such complaint in the office of the respondent No. 5, but however, a letter signed by 77(seventy-seven) Job card holders rebutting the said complaint was received on 20.11.2024, in the office. The learned AG then concludes by submitting that there was no discrepancy or illegality in the conduct of the elections and that the writ petition being devoid of merit, was liable to be dismissed.

6. On behalf of the respondents Nos. 6 & 7, it has been submitted by Mr. Philemon Nongbri learned counsel that, as there has been no elected VEC since 2022, the Job card holders of the Village were deprived of their wages and on their request the respondent No. 5, initiated the process for elections, which was thereafter, followed by Job card verification which was conducted on the date as scheduled i.e. 23.10.2024. The complaint dated 25.10.2024, allegedly filed by the Goanbura it is submitted, is doubtful in nature as the same does not bear the acknowledgment seal of the office of the respondent No. 5, and appears to be a contrived document which has been created by the petitioners in connivance with the Goanbura, after their loss in the elections. With regard to the other allegations of an incorrect voters list, it has been submitted by the learned counsel that after due verification of the Job cards, an updated database of Job cards holders was prepared and used as a final electoral roll of voters for the elections, which is reflected in the order dated 28.10.2024 at Para-9 (i) thereof. Learned counsel submits that the allegations that no electoral roll was prepared for the elections of Haripur VEC held on 15.11.2024, is factually incorrect. It has been further submitted that the petitioners have not pleaded as to how and in what manner, the alleged malpractice and anomalies had occurred during the elections, nor have the petitioners produced, or provided any list containing the full details of the alleged illegal voters who were allowed to cast their votes. It has been further submitted that even assuming, if the casting of

votes by 9(nine) alleged Shifted Job card holders and 17(seventeen) numbers of Dual Job cards holders is correct, the same cannot render the election of returned candidates invalid, coupled with the fact that there is no knowledge in whose favour the votes had been cast. He therefore, submits that the allegations of the petitioners having no material effect on the results, whereby the respondents Nos. 6 & 7, had won by wide margins, the writ petition is liable to be dismissed with heavy cost.

7. On hearing the learned counsel for the parties, from the submissions and materials placed, the only issue in question it appears is with regard to whether the verification of Job card holders was conducted at all and if so, whether the same was irregular and not as per set procedure, which in turn could have vitiated the elections to Haripur VEC. Shorn of other details, it can be seen that the VEC of Haripur has not been constituted since 2022, in view of the tussle in the Village by aspirants to office. It is noted from the materials placed on record that in March, 2022, when elections had been ordered, the father of the petitioner No. 2, had challenged the notice by way of WP (C) No. 75 of 2022, and the election process was put on hold. Similarly, the petitioner No. 1, had preferred WP (C) No. 151 of 2022, praying for conduct of elections. The said two writ petitions along with another similar writ petition being WP(C) No. 84 of 2022, were disposed by this Court vide order dated 27.04.2022, whereby it was directed that, after the matters concerning the Haripur VEC on the question

of bifurcation and others, on a decision being arrived at and orders passed, the elections were to be announced and conducted. It is therefore, in this backdrop that though as per the respondents, the entire process has been completed and elections held, the same has been put to challenge by the petitioners who admittedly, were unsuccessful in the said elections.

8. From the materials it can be seen that the process had been initiated for Job cards verification for Haripur VEC vide order dated 17.10.2024, and the verification was conducted on 24.10.2024, with the verification report being submitted on 28.10.2024. Before proceeding further, it may be noted herein that with regard to the report dated 28.10.2024, which is annexed at Annexure-R-3 to the affidavit of the respondent No. 5, certain doubts had been raised by the petitioners alleging that the same report dated 28.10.2024, a copy which had been obtained by them showed the date as 21.10.2024. This Court therefore, to ascertain the correct picture by order dated 04.12.2025, had called for the records and examined the same. On the records being produced, the said letter dated 28.10.2024, has been compared with the letter dated 21.10.2024, annexed by the petitioners, and it is seen that the letter dated 21.10.2024 refers to a Job card verification conducted on 16th & 17th October, 2024, whereas the letter dated 28.10.2024, is a report of Job cards verification conducted on 23rd & 24th October, 2024. Though the verification finds the same number of 33(thirty-three) Job card holders which need to be deleted, in the considered view of this

Court, the veracity of letter dated 21.10.2024, needs to be re-examined as the same does not find place in the records produced, except for the original verification report dated 28.10.2024. This has been explained by the State respondents as a version not intended for submission and contains a clerical error as the verification itself had not yet commenced on 21.10.2024. This aspect however, will not have any impact on the results of the elections, wherein 697 Job card holders had voted in view of the fact, that the margin of victory obtained by the respondents Nos. 6 & 7, exceeds the number of Job cards holders alleged by the petitioners to be doubtful. However, on the discrepancy of dates, it is left to the authorities to examine and take appropriate action on the same, if necessary.

9. From the original records itself, what can be discerned is that the elections were held after a verification process had been initiated and further, from the other materials present and also evidenced by the rejoinder affidavit of the writ petitioners, the complaint dated 19.11.2024, was never submitted personally, but alleged to have been filed through Speed Post, however, without any material to show that the complaint had been lodged at all before the respondent No. 5.

10. In the totality and circumstances therefore, without dwelling into the other details, and also in consideration of the settled legal position that election of returned candidate should not normally be set aside unless there are

compelling and ironclad reasons to do so, moreover, with the doubtful votes not having any material effect on the outcome of the results i.e. the election of respondents Nos. 6 & 7 as President and Secretary respectively of Haripur VEC, this writ petition is accordingly dismissed.

11. Records to be returned back immediately.

JUDGE

Meghalaya
30.01.2026
"V. Lyndem- PS"

Signature Not Verified
Digitally signed by
VALENTINO LYNDEM
Date: 2026.01.30 17:25:50 IST