



Serial No. 38
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 459 of 2024

Date of Decision :01.07.2026

Shri Challang M. Marak,
S/o Suniram D. Shira
R/o Rongbakgre, Rongram,
West Garo Hills District, Meghalaya

.... Petitioner(s)

Versus

1. State of Meghalaya represented by
The Secretary to the Govt. of Meghalaya
Home (Police) Department, Shillong
2. The Director General of Police,
Meghalaya, Shillong
3. The Commanding Officer, SF-10,
Meghalaya, Shillong

.... Respondent(s)

Coram:

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

Appearance:

For the Petitioner(s) : Mr. S. Dey, Adv. with
Mr. S. Deb, Adv.
Mr. J. Suchiang, Adv.

For the Respondent(s) : Mr. N.D. Chullai, AAG with
Mr. E.R Chyne, GA



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 petitioner by this sixth round of litigation is before this Court being aggrieved with the impugned order/letter dated 25.07.2023, whereby the prayer for appointment in SF-10 Meghalaya Police has again been rejected.

2. The brief background facts are that the petitioner had applied for the above-mentioned post in 2016, and on being successful was called for personal interview on 30.06.2017, and thereafter was recommended for appointment. However, on 05.06.2018, shortly before his scheduled joining, the petitioner was arrested in connection with Tura P.S. Case No. 53(6)/2018 u/s 364/302 IPC. He was then released on bail on 24.08.2018, and following the release had filed a representation praying that he may be allowed to join. However, when the final chargesheet was filed, no charges were framed against the petitioner and he was discharged vide order dated 21.02.2022, from all liabilities in the case.

3. Mr. S. Dey, learned counsel for the petitioner submits that on being discharged from all liabilities, the writ petitioner apart from the fact that at the time of his selection, there was no criminal case whatsoever



against him, which proved that he had no criminal antecedents, the action of the respondents in rejecting his candidature, is illegal and arbitrary. He further submits that the rejection letter dated 25.07.2023, was passed in a mechanical manner by relying upon an earlier order passed on 03.11.2021, which was under a different set of circumstances altogether. The learned counsel then submits that the 30-day prescribed joining period given to new recruits, from the date of appointment cannot be applied to the case of the petitioner, as the 30-day period expired when the petitioner was in judicial custody in connection with the criminal case. He thus prays that the impugned letter dated 25.07.2023, be set aside and the respondents be directed to consider the petitioner's case for appointment afresh.

4. In reply Mr. N.D. Chullai, learned AAG assisted by Mr. E.R Chyne, learned GA has submitted that at the time of the petitioner's arrest, the recruitment process was ongoing and the petitioner was only placed in the merit list, which does not constitute a formal appointment, inasmuch as, the same was strictly contingent upon the verification of antecedents and compliance with the Meghalaya Police SF-10 Recruitment Rules. It is also submitted that the petitioner failed to provide any immediate communication following his release on bail 24.08.2018. He further submits, that Rule 5.4 of the *Meghalaya Special Force Rules, 2014*, mandates that a selected candidate must join within 30 days from the date of the appointment order.



In the instant case he submits, the selected candidates were to collect their provisional appointment letters between 06.08.2018 and 20.08.2018, but the petitioner failed to collect the same and also did not join within the prescribed period.

5. It is further argued by the learned AAG that inclusion in the merit list does not confer an indefeasible right to appointment, which is especially true for disciplined forces like the SF-10. It is also further asserted that a discharge made in the year 2022, cannot automatically revive a recruitment offer that lapsed many years ago. The impugned order dated 25.07.2023 he submits, is reasoned and lawful, not arbitrary or a mechanical decision but a reiteration of the earlier order passed in 03.11.2021, which has already been judicially upheld. The discharge of the petitioner it is submitted cannot be applied retrospectively and the rejection order has attained its finality. The learned AAG then submits that for disciplined forces like SF-10, adherence to statutory timelines and requirement for a clean record are of paramount importance and has relied upon the case of ***Delhi Administration through Chief Secretary & Ors. vs. Sushil Kumar (1996) 11 SCC 605***, wherein it was held that the appointing authority maintains the right to find a candidate undesirable for appointment to disciplined forces based on their past records. Reliance has also been placed in the case of ***State of M.P. & Ors. vs. Rajkumar Yadav 2026 SCC OnLine***



SC 362 and in the case of *State of M.P. vs. Bhupendra Yadav 2023 SCC OnLine SC 181*. The judgments relied upon it is submitted affirm that eligibility review for a disciplined force is a legitimate continuing employer discretion, unaffected by the mere fact of discharge or acquittal. As such, he submits the writ petition is liable to be rejected.

6. Heard the learned counsel for the parties. The writ petitioner as observed earlier is before this Court by this sixth round of litigation, which however, is on a different set of circumstances. The previous five rounds are briefly given hereinbelow

- i. **WP (C) No. 399 of 2020:** The Court had directed disposal of his representation within a period of 6 weeks in accordance with the law and after giving the Petitioner an opportunity of being heard.
- ii. **WP (C) No. 258 of 2021:** The Court had directed a fresh decision by the Commanding Officer. However, vide order B.O. No. 1606 dated 03.11.2021, the Petitioner's Representation was rejected stating that the appointment of the Petitioner in SF-10 CANNOT BE CONSIDERED.
- iii. **WP (C) No. 406 of 2021:** The Court dismissed the case based on the State's claim of a pending serious criminal case, which the Petitioner argues failed to account for his prior discharge.
- iv. **Review Petition No. 6 of 2023:** Disposed of in 23.06.2023. After being fully discharged from all criminal liabilities and following the disposal of his Review Petition No. 6 of 2023, the



Petitioner submitted a new representation, here, he requested the Respondents to consider his appointment to the SF-10 specifically in light of his legal exoneration.

- v. **WP (C) No. 107 of 2024:** Disposed of with liberty to challenge the rejection letter dated 25.07.2023.

7. As can be seen from the earlier proceedings, this Court was dealing with the matter during the pendency of the criminal proceedings, and it was only after the petitioner's discharge, that by order dated 25.07.2023, passed in WP(C) No. 107 of 2024, allowed the petitioner the liberty to challenge the rejection letter dated 25.07.2023. A perusal of the impugned letter would show that there was no fresh consideration, but only a reiteration of an order of rejection dated 03.11.2021, which was passed pursuant to order dated 28.10.2021 in WP(C) No. 258 of 2021. The earlier order dated 03.11.2021, it is seen, apart from referring to Rule 5.4 of the *Meghalaya Special Force (Amendment) Rules, 2016*, which mandates the joining of service within 30 days, also rejected the case of the petitioner on the ground that the criminal case was still pending investigation, and that there was directions from the Government to carry out a most stringent exercise in checking the antecedents of SF-10 Recruits, as it was designed to be an elite force. Though these requirements in the opinion of the Court are non-negotiable, the fact that the petitioner was in custody from 05.06.2018 till his being enlarged on bail on 24.08.2018, which prevented him from joining



duty within 30 days, cannot be ignored. Further, the fact that the petitioner was not even charge sheeted, also has to be given due consideration, as the situation now has changed from the time the earlier writ petitions were filed, when the criminal case was pending.

8. In these circumstances therefore, by giving due consideration to the situation as it pertains as on today and the fact that the impugned letter dated 25.07.2023 has merely reaffirmed the order dated 03.11.2021 passed when the criminal case was pending, the impugned letter dated 25.07.2023, not being reasoned, or acknowledging the changed circumstances, or situation is set aside and quashed. The respondents are accordingly directed to subject the petitioner to a fresh appraisal of his suitability, physical and otherwise, including requisite verification of antecedents considering the long passage of time that has elapsed since the selection process, and will take an appropriate decision in the matter.

9. The said exercise ordered above shall be completed within a period of 3(three) months, from the date of this order.

10. The writ petition is allowed to the extent indicated above and is disposed of.

JUDGE

Meghalaya
01.07.2026
"V. Lyndem- AR-PS"