



Serial No. 31
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 670 of 2025

Date of Decision: 20.08.2026

Smti Banisha Judista Mary Marngar,
D/o (L) Wellington Shiangbai
R/o Nongkasen Village,
Eastern West Khasi Hills District, Meghalaya

... Petitioners

-Versus-

1. State of Meghalaya
Represented by Chief Secretary,
Government of Meghalaya.
2. Commissioner & Secretary,
Personnel & A.R. (B) Department
Government of Meghalaya
Shillong-793001.
3. Commissioner & Secretary
Health and Family Welfare Department,
Government of Meghalaya, Shillong.
4. The Director of Health Services (MI)
Government of Meghalaya
Shillong – 793001.
5. The District Medical and Health Officer
West Khasi Hills District, Nongstoin
Meghalaya.
6. Secretary, Department of Finance,
Government of Meghalaya
Shillong – 793001.

... Respondents



Coram:

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

Appearance:

For the Petitioner(s) : Ms. A. D. Syiem, Adv. with
Mr. G. Syngkrem, Adv.

For the Respondent(s) : Mr. A. S. Dey, GA.

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

1. Heard Ms. A.D. Syiem, learned counsel for the petitioner.

Also heard Mr. A. S. Dey, learned counsel for the State respondents.

2. The prayer of the writ petitioner in the instant writ petition, is for regularization of her services as Sweeper in Markasa PHC, on the ground that she had been serving in the said post continuously, since being appointed initially against the leave vacancy and later allowed to officiate against the same.

3. Ms. A.D. Syiem, learned counsel for the petitioner, has submitted that the petitioner initially by an office order dated 29.12.2006, was appointed against the vacancy created by her father, who availed 90 of days Earned Leave. Thereafter, she submits that on the expiry of her



father, the writ petitioner by a subsequent order dated 04.03.2009, was allowed to officiate against the said post. She further submits that on 24.11.2009, the District Medical Health Officer (DMHO) regularized the services of the petitioner on compassionate ground in the same post itself, but however, that in spite of being regularized by the DMHO, her services as reflected in the communication dated 08.10.2025, continues on an adhoc basis.

4. Mr. A.S. Dey, learned GA for the respondents, submits that the writ petitioner though allowed to officiate against the said post, was not regularized by a competent authority, and such can claim no right on the basis of the office order dated 24.11.2009. He further submits that the writ petitioner falls outside the cutoff date i.e. 31.12.2007, wherein a Cabinet decision had been taken to regularize the services of Adhoc employees appointed prior to this date, and as such she is not entitled to the benefit of regularization. He therefore, submits that as no ground has been made out for interference, the writ petition is liable to be dismissed.

5. On hearing the learned counsel for the parties and perusing of the materials available and as submitted by the learned counsel for the petitioner, it is noted that the petitioner had been allowed to officiate against the same post from 29.12.2006, and thereafter on expiry of the incumbent i.e. her father, was allowed to officiate again on a regular scale



vide order dated 04.03.2009, issued by the District Medical and Health Officer. This Court also notes that on 24.11.2009, the DMHO had regularized the services of the petitioner, but however, as submitted by the learned GA the same is non est on the ground that the regularization had been accorded by an incompetent authority. Further, it can be seen from the facts illustrated above, that the date and year of adhoc appointment of the petitioner as per the official record is taken to be from 04.03.2009, which is beyond the purview of the regularization exercise by the Cabinet, fixing 31.12.2007, as cutoff date. Though noting this fact, but in view of the situation that though the petitioner not on adhoc service, has been serving in the said post since 29.12.2006, perhaps the respondents may consider the prayer made by the writ petitioner for regularization by notionally taking the initial date of officiating appointment into consideration. Accordingly, it is directed that the respondents consider the prayer of the writ petitioner, within 6(six) months from the date of this order.

6. As ordered above, the matter stands closed and disposed of.

JUDGE

Meghalaya
20.08.2026
"V. Lyndem AR-PS"