

IN THE GAUHATI HIGH COURT
(THE HIGH COURT OF ASSAM, NAGALAND, MEGHALAYA, MANIPUR, TRIPURA, MIZORAM
AND ARUNACHAL PRADESH)

SHILLONG BENCH

WP(C) No. 106 (SH) of 2010

1.Smti Wimmijane Passah,
Khimumsniang, Jowai,
Jaintia Hills District.

2.Smti Nawanki Suchiang,
Mookhap, Jaintia Hills District.

3.Shri Hammyllien Law,
Shangpung Village,
Jaintia Hills District.

4.Smti Ibamon Dhar,
Mookaiaw, Jaintia Hills District.

5.Smti Lambhahki Rymbai,
Ladthalaboh, Jowai,
Jaintia Hills District.

6.Shri Enjoy A.H. Sungoh,
Mynso Village,
Jaintia Hills District.

7.SmtiNiwa Ki Shadap,
Mookaiaw, Jaintia Hills District.

8.Smti Shar Hadia,
Nangbah lawmusiang,
Jaintia Hills District.

9.Smti Estal Phawa,
Mihmintdu Village,
Jaintia Hills District.

10.Smti Graceful Phawa,
Mynthong, Jowai,
Jaintia Hills District.

11.Shri Werely Suting,
Sohmynthing Village, Jowai,
Jaintia Hills District.

12.Smti Nidwanchwa Shylla,
Jaintia Hills District.

13.Smti.Phikirbha Khariah,
Nongjngi, Jaintia Hills District.

14.Smti Kyrmen Lang I Lyngdoh,
Ladthalaboh, Jaintia Hills District.

15.Shri Kynsai Bareh,
Khim-U-Sniang, Pohkseh, Jowai,
Jaintia Hills District.

16.Smti Binaris Kanai,
Caroline Colony, Jowai,
Jaintia Hills District.

17.Shri Karbar Lapasam,
Mookhap, Jaintia Hills District.

18.Smti Prosperity Dkhar,
Motyrshiah Village,
Jaintia Hills District.

19.Smti Jenica P. Suting,
Khim-U-Sniang, Jowai,
Jaintia Hills District.

20.Smti Lydia Dhar,
Thadialong, Jaintia Hills District.

21.Smti Graceful Shullai,
Chutwaku, Jaintia Hills District.

22.Smti Valentina Shullai,
Chutwaku, Jaintia Hills District.

23.Smti Driss Suting,
Caroline Colony,
Jaintia Hills District.

24.Smti Nidikaru Suchiang,
Tpep-Pale, Jowai,
Jaintia Hills District.

25.Smti Phiyooda Rymbai,
Ladthalaboh, Jowai,
Jaintia Hills District.

26.Shri Heibormi Lyngdoh,
Sohmynthang Village,
Jaintia Hills District.

27.Smti Sankini Dala Passah,
Tpep-Pale, Jowai,
Jaintia Hills District.

28.Smti Sukliss Garrod,
Nangbah Behkla,
Jaintia Hills District.

29.Smti Kongka Passah,
Lumiongkjam, Jowai,
Jaintia Hills District.

30.Smti Odalana Dkhar,
lawmusniang, Jowai,
Jaintia Hills District.

31.Smti Fiona M. Langstang,
Ladthalaboh, Jowai,
Jaintia Hills District.

32.Smti Annie Monnie Passah,
Chutwaku, Jaintia Hills District.

33.Smti Rimika Shylla,
Chutwaku, Jaintia Hills District.

34.Smti Arwanki Lamar,
Lumiongkjam, Jaintia Hills District.

35.Smti Julimai Shadap,
Mookaiaw, Jaintia Hills District.

36.Smti Farida Kyndait,
Moodymmai, Jaintia Hills District.

37.Smti Chika I. Dkhar,
Mookaiaw Village, Jowai,
Jaintia Hills District.

38.Shri Warihun Phawa,
Khim-U-Sniang,
Jaintia Hills District.

39.Shri Genesis I. Kam Dulong
Pohhali, Jowai, Jaintia Hills District.

40.Smti Balarie C. Lyngdoh,
Ladthalaboh, Jaintia Hills District.

41.Smti Hamchiwat Biam,
Nangbah, Jaintia Hills District.

42.Smti Chalestina Susngi,
Nangbah, Jaintia Hills District.

43.Shri Abitchynm Mukhim,
Jaintia Hills District.

: Petitioners

-Vs-

1.The State of Meghalaya
Represented by the Commissioner & Secretary,
to the Govt. of Meghalaya,
Education Department.
2.The Director of Mass & Elementary,
Education, Meghalaya, Shillong.

3.Selection Committee,
Represented by the Member Secreary,
the Deputy Director of Mass & Elementary

Education, Meghalaya, Shillong.

4.The Deputy Inspector of Schools,
Jaintia Hills District, Jowai.

5.Smti Deimonmi Paswet,
Ialong Mulang Govt.L.P. School,
Jaintia Hills District, Meghalaya.

6.Smti Deepcymon Khongsit,
Ialong Mulang Mission Govt. L.P. School,
Jaintia Hills District, Meghalaya.

7.Smti Queentina Laloo,
Pohsusiang Govt. L.P. School,
Jaintia Hills District, Meghalaya.

8.Smti Chika Shadap,
Mukhap, Govt. L.P. School,
Jaintia Hills District, Meghalaya.

9.Shri Preacher Sungoh,
Sohmynthang Govt. L.P. School,
Jaintia Hills District, Meghalaya.

10.Shri Rocky Lyngdoh,
Rtiang Govt. L.P.School,
Jaintia Hills District, Meghalaya.

11.Smti Margina Shylla,
Mukhla Sohksieh Govt.L.P.School,
Jaintia Hills District, Meghalaya.

12.Smti Daffodil Era Laloo,
Chutwaku, Govt. L.P. School, Jowai,
Jaintia Hills District, Meghalaya.

13.Smti Dolinda Pohleng,
Ialong Khlieh Phyrngap Govt.L.P.
School, Jaintia Hills District, Meghalaya.

14.Shri Lubiantia Suchaing,
Mootyrshiah Wah Govt.L.P.School,
Jaintia Hills District, Meghalaya.

15.Smti Rita Phawa,
Rtiang Sanphew Govt. L.P. School,
Jaintia Hills District, Meghalaya.

16.Smti Banysa Kya,
Tyndo Wapung, Ladthalaboh, Jowai,
Jaintia Hills District, Meghalaya.

17.Smti Prema Donna Patwet,
Khimmusniang Govt.L.P.School,
Jaintia Hills District, Meghalaya.

18.Shri loosar Lanong,
Khliehtyrshi Lumpohsiej Govt.L.P.
School, Jaintia Hills District, Meghalaya.

19.Smti Alacreties Syngkon,
Mynktung Govt.L.P.School,
Jaintia Hills District, Meghalaya.

20.Smti Arunika Dkhar,
Dulong Govt.L.P.School, Jowai,
Jaintia Hills District, Meghalaya.

21.Smti Amwima Shullai,
Shilliang Raij, Govt.L.P.School,
Jaintia Hills District, Meghalaya.

22.Shri Aristarkhos Talang,
Moodymmai Nein Govt.L.P.School,
Jaintia Hills District, Meghalaya.

23.Smti Medalin Pariat,
Ladthalaboh Govt.L.P.School,
Jaintia Hills District, Meghalaya.

24.Smti Manbaniroy Hadem,
Myrjai Govt.L.P.School,
Jaintia Hills District.

25.Smti Lutmon Nonghuloo,
Tpeppale Govt.L.P.School, Jowai,
Jaintia Hills District, Meghalaya.

26.Smti Meriki Dkhar,
Maskut Govt.L.P.School,
Jaintia Hills District, Meghalaya.

27.Smti lalambiat Suchiang,
Sahsniang Govt.L.P.School,
Jaintia Hills District, Meghalaya.

28.Smti Yoohimi Langbang,
Nongkhroh Govt.L.P.School,
Jaintia Hills District, Meghalaya.

29.Smti Queentina Laloo,
Pohmusiang Govt.L.P.School,
Jaintia Hills District, Meghalaya.

30.Smti Daplin Tang,
looksie Govt.L.P.School,
Jaintia Hills District, Meghalaya.

31.Smti Dayaki Myrpet,
Tpeppale Govt.L.P.School, Jowai,
Jaintia Hills District, Meghalaya.

32.Smti Deimonlang Bareh,
Tpeppale Govt.L.P.School, Jowai,

Jaintia Hills District, Meghalaya.

33.Smti Dahunbha Khyriem,
Pohmusiang Govt.L.P.School,
Jaintia Hills District, Meghalaya.

34.Smti Doit Siangshai,
Sahsniang Govt.L.P.School,
Jaintia Hills District, Meghalaya.

35.Smti Darisuk Phynrap,
Pohmusiang Govt.L.P.School,
Jaintia Hills District, Meghalaya.

36.Smti D. Ribeaula Myrboh,
Maya Club, Wahiajer Govt.L.P.School,
Jaintia Hills District, Meghalaya.

37.Shri Relvingstar Lato,
Barato Govt.L.P.School,
Jaintia Hills District, Meghalaya.

38.Smti Ridalang Suchiang,
Mulum Govt.L.P.School,
Jaintia Hills District, Meghalaya.

39.Smti Rapbiang Sajem,
Priang Govt.L.P.School,
Jaintia Hills District, Meghalaya.

40.Smti Shirta Law,
Mukhap Govt.L.P.School,
Jaintia Hills District, Meghalaya.

41.Smti Diamond Dhar,
Lumbhaahdakha Govt.L.P.School,
Jaintia Hills District, Meghalaya.

42.Shri Fellingroy Suchiang,
Moobakhon Govt.L.P.School,
Jaintia Hills District, Meghalaya.

43.Smti Doreen Nikhla,
Tpeppale Govt. L.P.School, Jowai,
Jaintia Hills District, Meghalaya.

44.Shri Dinmiki Pyrhut,
Mynksan Govt.L.P.School,
Jaintia Hills District, Meghalaya.

45.Smti Nidaka Pale,
Maitdieng Govt.L.P.School,
Jaintia Hills District, Meghalaya.

46.Smti Nital Suna,
Mukhla Govt.L.P.School,
Jaintia Hills District, Meghalaya.

47.Smti Persila Pakyntein,
Barato Govt.L.P.School,
Jaintia Hills District, Meghalaya.

48.Shri Pithom Dhar,
Nangbah Dukhi Govt.L.P.School,
Jaintia Hills District, Meghalaya.

49.Smti Veedatta Tongper,
Demthring Wahtang Govt.L.P.School,
Jaintia Hills District, Meghalaya.

50.Smti Balapoisalan Khyriem,
longlwit Govt. L.P. School,
Jaintia Hills District, Meghalaya.

51.Smti Pawshynna Niang,
longlwit Govt. L.P. School,
Jaintia Hills District, Meghalaya.

52.Smti Phulmi Surong ,
Mynsngat Govt.L.P.School,
Jaintia Hills District, Meghalaya.

53.Smti Emeralda Blah,
Ladthalaboh Govt.L.P.School,
Jaintia Hills District, Meghalaya.

54.Shri Ryumtyrmea Khonglah,
Sohmynthing Govt.L.P.School,
Jaintia Hills District, Meghalaya.

55.Shri Refine Sutnga,
Mynktung Govt.L.P.School,
Jaintia Hills District, Meghalaya.

56.Shri Rita Ryngkhlem,
Demthring Wahthang Govt.L.P.School,
Jaintia Hills District, Meghalaya.

57.Shri Romesh Diengdoh,
Khonshnong Govt.L.P.School,
Jaintia Hills District, Meghalaya.

58.Smti Sharlin Wanroi Lamin,
Pasyih Govt. L.P. School,
Jaintia Hills District, Meghalaya.

59.Smti Sumarbha Dkhar,
Pasyih Govt. L.P. School,
Jaintia Hills District, Meghalaya.

60.Shri Ebormi Lyngdoh,
Mukhla Sohshrieh, Govt.L.P.School,
Jaintia Hills District, Meghalaya.

61.Smti Happiness Suchiang,
Pasyih Govt. L.P. School,

Jaintia Hills District, Meghalaya.

62.Smti Oliemergency Dhar,
Maitdieng Govt. L.P. School,
Jaintia Hills District, Meghalaya.

63.Smti Heisa Mary Lamare,
Tpeppale Govt.L.P.School,
Jaintia Hills District, Meghalaya.

64.Smti Hakanipaya Laloo Suting,
Chutwaku Govt. L.P. School,
Jaintia Hills District, Meghalaya.

65.Smti Perlycia Dhar,
Maya Club Wahiajer Govt. L.P.
School, Jaintia Hills District, Meghalaya.

66.Smti Orida Shylla,
Pohmusniang Govt.L.P.School,
Jaintia Hills District, Meghalaya.

67.Shri Ebormi S Langshiang,
Sohmynthing Govt. L.P. School,
Jaintia Hills District, Meghalaya.

68.Smti Emmonlang pale,
Maya Club Wahiajer Govt. L.P.
School, Jaintia Hills District, Meghalaya.

69.SmtiEwonnylla Challam,
Chutwaku Govt.L.P.School,
Jaintia Hills District, Meghalaya.

70.Smti Planky Pyrtuh,
Maskut Govt.L.P.School,
Jaintia Hills District, Meghalaya.

71.Smti Badeitilang Nongpluh,
Muplieng Govt.L.P.School,
Jaintia Hills District, Meghalaya.

72.Shri Kermiki Pariat,
Dulong Govt.L.P.School,
Jaintia Hills District, Meghalaya.

73.Shri Kermioo P.Ladia,
Mustem Govt.L.P.School,
Jaintia Hills District, Meghalaya.

74.Shri Kwahdaioh Dkhar,
Mookaiaw Govt.L.P.School,
Jaintia Hills District, Meghalaya.

75.Shri Heimonmi Shylla,
Larnai Govt.L.P.School,
Jaintia Hills District, Meghalaya.

76.Shri Hedring Sungoh,
Barato Govt.L.P.School,
Jaintia Hills District, Meghalaya.

77.Shri Kmenlang Suting,
Phlongingkhaw Govt.L.P.School,
Jaintia Hills District, Meghalaya.

78.Shri Genius Suchiang,
Mootyrchiah Wah Govt. L.P.
School, Jaintia Hills District, Meghalaya.

79.Shri Ngaitlang Sutnga,
Mynktung Govt.L.P.School,
Jaintia Hills District, Meghalaya.

80.Shri Ephrinton Tang,
Thadmuthlong Pyrdis Govt. L.P.
School, Jaintia Hills District, Meghalaya.

81.Smti Efficeincy Lyngdoh,
Moodymmai Nein Govt. L.P.
School, Jaintia Hills District, Meghalaya.

82.Smti Nibhalang Suchiang,
Shangpung Coira Govt.L.P.School,
Jaintia Hills District, Meghalaya.

83. Shri Chirup Dhar,
Lumkhatdong Govt.L.P.School,
Jaintia Hills District, Meghalaya.

84.Smti Happiness Jones Pyrtuh,
Demthring Wahtang Govt.L.P.School,
Jaintia Hills District, Meghalaya.

85.Smti Heithmuhimi Phawa,
Moobakhon Govt.L.P.School,
Jaintia Hills District, Meghalaya.

86.Smti Thywilldone Dkhar,
Demthring Govt.L.P.School,
Jaintia Hills District, Meghalaya.

87.Smti Flora June Lytan,
Chyrmangwah Govt.L.P.School,
Jaintia Hills District, Meghalaya.

88.Smti Ammelia Suchiang,
Madan Khliehriat Govt.L.P.School,
Jaintia Hills District, Meghalaya.

89.Smti Melbila Lamin,
Mynso Kiang Nangbah Govt. L.P.
School, Jaintia Hills District, Meghalaya.

90.Smti Memorial Lathong,
Ialong Mulang Pohshnong Govt. L.P.

School, Jaintia Hills District, Meghalaya.

91.Smti Sweety Willys Lamare,
Khimmusniang Govt.L.P.School,
Jaintia Hills District, Meghalaya.

92.Smti Sambharika Sungoh,
Samatan Govt.L.P.School,
Jaintia Hills District, Meghalaya.

93.Shri Shiva Embynta Siangshai,
Kyndong Tuber Wahsniang Govt.L.P.School,
Jaintia Hills District, Meghalaya.

94.Shri Strong Pillar Tang,
Tamu Govt. L.P. School,
Jaintia Hills District, Meghalaya.

95.Shri Reformingson Lamare,
Lummuriap Govt.L.P.School,
Jaintia Hills District, Meghalaya.

96.Smti Ranika Suchiang,
Moodymmai Nein Govt.L.P.School,
Jaintia Hills District, Meghalaya.

97.Smti Deimon Tang,
Thadmuthlong Nein Govt.L.P.School,
Jaintia Hills District, Meghalaya.

98.Shri Ruhiwanse Tang,
Thadmuthlong Nein Govt.L.P.School,
Jaintia Hills District, Meghalaya.

99.Smti Monica War,
Mynso Kiang Nangbah Govt.L.P.School,
Jaintia Hills District, Meghalaya.

100.Smti Dabnalang Suiam,
Mootyrchaih Govt.L.P.School,
Jaintia Hills District, Meghalaya.

: Respondents

WP(C) No. 51 (SH) 2010

1. Shri Defender M Pale,
S/o Shri Keling Mulieh,
Ialong Village, Jowai,
Jaintia Hills District.

: Petitioner

- Vs -

1. The State of Meghalaya
Represented by the Chief Secretarty.

2. The Commissioner/Secretary to the Govt.
Of Meghalaya, Education Department.

3. The Director of Elementary & Mass Education,
Meghalaya, Shillong.

4. The Sub-Inspector of Schools,
Jaintia Hills District, Jowai.

: Respondents

WP(C) No. 52 (SH) 2010

Shri. Mihsalan Law,
S/o (L) Emlang Toi,
Lulong, Jowai,
Jaintia Hills District.

: Petitioner

- Vs -

1. The State of Meghalaya
Represented by the Chief Secretary.

2. The Commissioner/Secretary to the Govt.
Of Meghalaya, Education Department.

3. The Director of Elementary & Mass Education,
Meghalaya, Shillong.

4. The Sub-Inspector of Schools,
Jaintia Hills District, Jowai.

: Respondents

WP(C) No. 88 (SH) 2010

1. Smti Warida Lamare,
Resident of Ummulong Village,
Jaintia Hills District, Meghalaya.

: Petitioner

- Vs -

1. The State of Meghalaya
Represented by the Chief Secretary,
Meghalaya, Shillong.

2. The Commissioner/Secretary to the Govt.
Of Meghalaya, Education Department.

3. The Director of Elementary & Mass Education,
Meghalaya, Shillong.

4. The Selection Committee
Represented by the Member Secretary,
the Deputy Director of Elementary & Mass
Education, Meghalaya, Shillong.

5. The Deputy Inspector of Schools,
Jaintia Hills District, Jowai.

: Respondents

WP(C) No. 408 (SH) 2010

1. Shri Lurshai Kharpran,
S/o Regina Kharpran,
R/o Kreit B.P.P.O.
Diengiei-793005.
District: East Khasi Hills, Meghalaya.

2. Smti Disfulda Nongrang,
D/o (L) P Thabah,
R/o Vill: Mawjongka,
P.O. Mawphlang,
B.P.O. Madan Bitaw 793121,
District: East Khasi Hills, Meghalaya.

3. Smti Bistina Sohlang,
D/o Shri K.S. Lyngdoh,
R/o Mawreng, B.P.O. Mawreng,
Pin: 792121,
District: East Khasi Hills, Meghalaya.

4. Smti Itriss Rani,
D/o O Nongbet,
R/o Vill: Lawkhla,
B.P.O. Sohpiang,
Pin: 792121,
District: East Khasi Hills, Meghalaya.

5. Smti Lidaris Syiemlieh,
D/o Phik Sad,

R/o Wahsohlait P.O. Sohpiang,
Pin: 793121,
District: East Khasi Hills, Meghalaya.

6. Smti Joyful Mary Kurbah,
D/o Shri Augustine Kurkalang,
R/o Ladmawreng, Near Mawngap,
P.O. : Mawreng 793121,
District: East Khasi Hills, Meghalaya.

7. Smti Dafrit Nongkynrih,
D/o (L) K Nongrum,
R/o Mawiong, BPO-Diengpasoh,
District: East Khasi Hills, Meghalaya.

8. Smti Airity Kharsahnoh,
W/o Hobert Kharsati,
R/o Jongksha,
PO: Jongksha, PIN: 793015,
District: East Khasi Hills, Meghalaya.

9. Smti Deborah F Lakiang,
D/o (L) A.S. Khyriem,

R/o Lumpangad, Nongthymmai,
Shillong-793014.

10.Smti Mayday Gracia Warlarpih,
WSS/o Hoping Nongrum,
P.O.: Thangsning,
Pin: 793015,
District: East Khasi Hills, Meghalaya.

: Petitioners

- Vs -

1.The State of Meghalaya,
Represented by the Commissioner
& Secretary to the Govt. of Meghalaya,
Education Department, Shillong.

2.The Director of Mass & Elementary Education,
Meghalaya, Shillong.

3.Selection Committee represented by the
Member Secretary, the Deputy Director of
Mass & Elementary Education, Meghalaya, Shillong.

4.The Deputy Inspector of Schools,
East Khasi Hills District, Shillong.

5.Shri MunMun Mukhim,
C/o Ur-Ur Govt. L.P. School,
P.O. Mawphlang(Rangshken)-793121,
District: East Khasi Hills, Meghalaya.

6.Shri Raymond C Khyriem,
C/o Jongksha Govt. L.P. School,
P.O. Jongksha-793015,
District: East Khasi Hills, Meghalaya.

7.Smti Cornelia Tariang,
C/o Mawthuwan Govt. LP. School,
P.O. Mawphlang,
B.P.O. Sohiong-793121,
District: East Khasi Hills, Meghalaya.

8.Shri Neverson Rynjah,
C/o Iewmawiong Govt. L.P. School,
P.O. Mawlai,
District: East Khasi Hills, Meghalaya.

9.Smti Uniky Kharnaier,
C/o Umtyllun Mawtepieu Govt. L.P.
School, P.O. Lawbah,
District: East Khasi Hills, Meghalaya.

10.Shri Dayadonboklang Syiemlieh,
C/o Mawlam Govt. L.P. School,
P.O. Pynursla,
District: East Khasi Hills, Meghalaya.

11.Smti Dariing Dkhar,

C/o Pomblang Govt. L.P. School,
P.O. Pomblang,
District: East Khasi Hills, Meghalaya.

12.Margaret Marbaniang,
C/o Marpna Govt. L.P. School,
P.O. Mawphlang,
B.P.O. Sohiong-793121,
District: East Khasi Hills, Meghalaya.

13.Lasibon Sanglyne,
C/o Pomblang Govt. L.P. School,
P.O. Pomblang,
District: East Khasi Hills, Meghalaya.

14.Smti Rajkumari Rai,
C/o Deputy Inspector of Schools,
P.O. Mawkhar, Shillong,
District: East Khasi Hills, Meghalaya.

15.Rilang pale,
C/o Syntung Govt. L.P. School,
P.O. Mawkynrew,
District: East Khasi Hills, Meghalaya.

16.Smti Badaiamon Tynsong,
C/o Diengpasoh Govt. L.P. School,
P.O. Diengpasoh, Shillong-793018,
District: East Khasi Hills, Meghalaya.

17.Smti Jasmine A Lyngdoh,
C/o Laitlyngkot Govt. L.P. School,
P.O. Laitlyngkot-793110,
District: East Khasi Hills, Meghalaya.

18.Smti Hiamsina Lyngdoh Lawai,
C/o Mawber Govt. L.P. School,
P.O. Smit,
District: East Khasi Hills, Meghalaya.

19.Smti Baiapaka Kharbudon,
C/o Lymgkyrdem Govt. L.P. School,
P.O. Pynursla,
District: East Khasi Hills, Meghalaya.

20.Smti Abigail Kharmeyai,
R/o Smit,
P.O. Smit,
District: East Khasi Hills, Meghalaya.

21.Shri Newshai Khriem,
R/o Mawdngung (Sohiong),
P.O. Mawphlang,
B.P.O. Sohiong,
District: East Khasi Hills, Meghalaya.

22.Smti Radiancy Khongthien,

R/o Ri-Wai Govt.L.P.School,
P.O. Pynursla,
District: East Khasi Hills, Meghalaya.

: Respondents

WP(C) No. 267 (SH) 2010

Smti Judicious Suting,
D/o Smti Springly Joy Suting,
R/o Demthring, Jowai,
Jaintia Hills District, Meghalaya.

: Petitioner

- Vs -

1.The State of Meghalaya,
Represented by the Commissioner
& Secretary to the Govt. of Meghalaya,
Education Department, Shillong.

2.The Director of Mass & Elementary Education,
Meghalaya, Shillong.

3.Selection Committee represented by the
Member Secretary, the Deputy Director of
Mass & Elementary Education, Meghalaya, Shillong.

4.The Deputy Inspector of Schools,
Jaintia Hills District, Shillong.

: Respondents

WP(C) No. 50 (SH) 2010

Ms Kemkima Sutong,
D/o (L) Phiyooowaka Stong,
Lulong, Jowai,
Jaintia Hills District.

: Petitioner

- Vs -

1.The State of Meghalaya,
Represented by the Chief Secretary to the Govt.
of Meghalaya.

2.The Commissioner/Secretary to the Govt. of Meghalaya,
Education Department, Shillong.

3.The Director of Mass & Elementary Education,
Meghalaya, Shillong.

4.Selection Committee represented by the
Member Secretary, the Deputy Director of
Mass & Elementary Education, Meghalaya, Shillong.

5.The Sub - Inspector of Schools,
Jaintia Hills District, Jowai.

: Respondents

WP(C) No. 15 (SH) 2010

Shri Robert K.C. Momin,
S/o Shri H.A. Sangma,
R/o Matchakolgre, New Tura,
West Garo Hills District, Meghalaya.

: Petitioner

- Vs -

1. The State of Meghalaya,
Represented by the Commissioner
& Secretary to the Govt. of Meghalaya,
Education Department, Shillong.

2. The Director of Mass & Elementary Education,
Meghalaya, Shillong.

3. The Deputy Director,
Educational Research and Training, Shillong.

4. The Inspector of Schools,
West Garo Hills District, Tura.

5. The Deputy Inspector of Schools,
West Garo Hills District, Tura.

6. Shri Tithar R Marak,
S/o (L) Nothindro Areng,
R/o Dhakopgre, New Tura,
West Garo Hills District, Meghalaya.

: Respondents

WP(C) No. 182 (SH) 2010

1. Shri Ridimi Tongper,
S/o Shri L Khonglah,
R/o Sohkhah Shnong Village,
Jaintia Hills District, Meghalaya.

2. Smti Piaisy Suting,
D/o Shri P Surong,
R/o Pdengshakhap Village,
Jaintia Hills District, Meghalaya.

3. Shri Husiar P Tariang,
S/o Shri R Jungai,
R/o Thangbulli Village,
Jaintia Hills District, Meghalaya.

4. Shri Willy Lamin
S/o (L) E.S. Nongkynrih,
R/o Shong Pdeng Village,

Jaintia Hills District, Meghalaya.

5.Shri Ginealson Khonglah,
S/o/ Shri C Lanong,
R/o Sohkhah Shnong Village,
Jaintia Hills District, Meghalaya.

6.Shri Batkumar Pohti,
S/o Shri S. Suchen,
R/o Darrang Village,
Jaintia Hills District, Meghalaya.

7.Shri Phillip Rymbui,
S/o Shri L Talang,
R/o Nongbarehrim Village,
Jaintia Hills District, Meghalaya.

8.Shri Pherbak Franky Sumer,
S/o Shri R Gashnga,
R/o Bakur Village,
Jaintia Hills District, Meghalaya.

9.Shri Marbeh Pohtam,
S/o Shri K Pohshna,
R/o Padu Village,
Jaintia Hills District, Meghalaya.

10.Smti Dashisha Khonglah,
D/o (L) B Lamin,
R/o Sohkhah Model Village,
Jaintia Hills District, Meghalaya.

11.Smti Switly Suliang,
D/o Late E Suchen,
R/o Syndai Village,
Jaintia Hills District, Meghalaya.

12.Smti Daialanghun Gassah,
D/o Shri P Nailang,
R/o Lamin Village,
Jaintia Hills District, Meghalaya.

13.Smti Saldis Buam,
D/o Shri D Mukhim,
R/o Amlari Rim Village,
Jaintia Hills District, Meghalaya.

14.Smti Iohsngew Pohshna,
D/o Late T Dkhar,
R/o/ Padu Village,
Jaintia Hills District, Meghalaya.

15.Smti Delightful Tariang,
D/o (L) R Jungai,
R/o Thangbulli Village,
Jaintia Hills District, Meghalaya.

16.Shri Amos Hayong,

S/o Shri C Khonglah,
R/o Bakur Village,
Jaintia Hills District, Meghalaya.

17.Smti Rekha Merry Gayang,
D/o Shri R Lanong,
R/o Sohkhah Shnong Village,
Jaintia Hills District, Meghalaya.

18.Shri Wingson Pohtam,
S/o Shri S Surong,
R/o Kudeng Rim Village,
Jaintia Hills District, Meghalaya.

: Petitioners

- Vs -

1.The State of Meghalaya,
Represented by the Commissioner & Secretary
to the Govt. of Meghalaya, Education Department,
Shillong.

2.The Director of Mass & Elementary Education,
Department, Govt. of Meghalaya, Shillong.

3.The State and District Selection Committee,
Represented by the Member Secretary, the
Deputy Director, Mass & Elementary Education,
Govt. of Meghalaya, Shillong.

4.The Inspector and the Deputy Inspector of Schools,
Amlarem Sub-Division, Jaintia Hills District,
Govt. of Meghalaya.

5.Smti Unity Paswer,
R/o Syndai Mission,
Jaintia Hills District, Meghalaya.

6.Smti Novelda Khongwang,
R/o Darrang Village,
Jaintia Hills District, Meghalaya.

7.Smti Rikynti Gashnga,
R/o Sohkhah Shnong,
Jaintia Hills District, Meghalaya.

8.Shri Kynsaidiam Pohkyrnu,
R/o Trangblang Village,
Jaintia Hills District, Meghalaya.

9.Smti Bekilinda Sumer,
R/o Sohkhah Mission,
Jaintia Hills District, Meghalaya.

10.Smti Julie Myrchiang,
R/o Nongtallang Village,
Jaintia Hills District, Meghalaya.

11.Smti Perligift Khonglah,
R/o Sohkhia Mission,
Jaintia Hills District, Meghalaya.

12.Shri J.D. Lyngthong,
R/o Muktapur Village,
Jaintia Hills District, Meghalaya.

13.Smti Memory Khonglah,
R/o Sohkhia Mission Village,
Jaintia Hills District, Meghalaya.

14.Smti Blusina Mukhim,
R/o Padu Village,
Jaintia Hills District, Meghalaya.

15.Smti Martina Rasmus,
R/o Shkentalang Village,
Jaintia Hills District, Meghalaya.

16.Smti Sawanbiangpor Lamin,
R/o Amkoi Village,
Jaintia Hills District, Meghalaya.

17.Smti Trily Pohksang,
R/o Moosakhia Village,
Jaintia Hills District, Meghalaya.

18.Smti Entigrecia Tongper,
R/o Trangblang Village,
Jaintia Hills District, Meghalaya.

19.Shri Benidixtion Buam,
R/o Muktapur Village,
Jaintia Hills District, Meghalaya.

20.Shri Synta Pohthmi,
R/o Padu Bah Village,
Jaintia Hills District, Meghalaya.

21.Shri Lastmon Myrmem,
R/o Syndai Mission Village,
Jaintia Hills District, Meghalaya.

22.Shri Nimrod Suja,
R/o Amlari Village,
Jaintia Hills District, Meghalaya.

23. Shri Kerlang Kassar,
R/o Amladkhur Village,
Jaintia Hills District, Meghalaya.

24.Smti Hirmalin Shylla,
R/o Trangblang Village,
Jaintia Hills District, Meghalaya.

25.Shri Shemphang Pohshna,
R/o Padu Bah Village,

Jaintia Hills District, Meghalaya.

26.Smti Hatlamin Rymbui,
R/o Nongtallang Khlachympa Village,
Jaintia Hills District, Meghalaya.

27.Smti Deimon Tariang,
R/o Thangbuli Village,
Jaintia Hills District, Meghalaya.

28.Smti Wantiphrang Pohsngap
R/o Ammutong Village,
Jaintia Hills District, Meghalaya.

29.Smti Sunday Suting,
R/o Nongbareh Village,
Jaintia Hills District, Meghalaya.

30.Smti Kunuimon Pohsnem,
R/o Nongtalang Khlachympa Village,
Jaintia Hills District, Meghalaya.

31.Smti Duniya Lyngdoh,
R/o Trangblang Satpator Village,
Jaintia Hills District, Meghalaya.

32.Shri Emeralson Lynthong,
R/o Amjalong Village,
Jaintia Hills District, Meghalaya.

33.Smti Speciality Lyngdoh,
R/o Nongtalang Mission Village,
Jaintia Hills District, Meghalaya.

34.Shri Orlando Manner,
R/o Sohkha Mission Village,
Jaintia Hills District, Meghalaya.

35.Shri Alos Suliang,
R/o Amjalong Village,
Jaintia Hills District, Meghalaya.

36.Shri Rimius Lamin,
R/o Nongbareh Rim Village,
Jaintia Hills District, Meghalaya.

37.Shri Harkin Suting,
R/o Nongbareh Village,
Jaintia Hills District, Meghalaya.

38.Smti Edimi Lamurong,
R/o Syndai Village,
Jaintia Hills District, Meghalaya.

39.Smti Dirona Mukhim,
R/o Padu Mawksu Village,
Jaintia Hills District, Meghalaya.

40.Smti Memorabilia Lamat,
R/o Thangbuli Village,
Jaintia Hills District, Meghalaya.

41.Shri Minto Khongwang,
R/o Dawki Village,
Jaintia Hills District, Meghalaya.

42.Smti Daman-I Gassah,
R/o Lamin Village,
Jaintia Hills District, Meghalaya.

43.Smti Anna Merry Nongrum,
R/o Pdengshakhap Village,
Jaintia Hills District, Meghalaya.

44.Shri Shar Shadap,
R/o Hawai Bhoi Village,
Jaintia Hills District, Meghalaya.

45.Shri Karmes Myrmen,
R/o Syndai Village,
Jaintia Hills District, Meghalaya.

46.Smti Wistilda Khyriem,
R/o Thangbuli Village,
Jaintia Hills District, Meghalaya.

47.Smti Satisfy Niangti,
R/o Nongtalang Village,
Jaintia Hills District, Meghalaya.

48.Smti Mery Jones Suting,
R/o Trangblang Village,
Jaintia Hills District, Meghalaya.

49.Smti Rammon Mukhim,
R/o Padu Village,
Jaintia Hills District, Meghalaya.

50.Shri Polly Pamthied,
R/o Amjalong Village,
Jaintia Hills District, Meghalaya.

51.Smti Nargis Pohti,
R/o Hawai Bhoi Village,
Jaintia Hills District, Meghalaya.

52.Smti Florina Mukhim,
R/o Amlari Rim Village,
Jaintia Hills District, Meghalaya.

53.Shri Nong Myrchiang,
R/o Nongtalang Village,
Jaintia Hills District, Meghalaya.

54.Shri Nimrod Talang,
R/o Khonglah Village,

Jaintia Hills District, Meghalaya.

55.Shri Amos Shylla,
R/o Jong-u-Chen Village,
Jaintia Hills District, Meghalaya.

56.Shri Esra Suting,
R/o Samanong Village,
Jaintia Hills District, Meghalaya.

: Respondents

BEFORE
THE HON'BLE MR JUSTICE T VAIPHEI

WP(C) No. 106 (SH) of 2010

For the Petitioners : ***Mr MF Quershi.***
Ms K Cheisa, Advs

For the Respondents : ***Mr KS Kynjing, Advocate.General,***
Meghalaya.
Mr ND Chullai, Sr GA,
Mr ODV Ladia, Adv

WP(C) No. 51 (SH) 2010

For the Petitioner : ***Mr T.T. Diengdoh,***
Mr K Baruah, Advs

For the Respondents : ***Mr KS Kynjing, Advocate.General,***
Meghalaya.
Mr ND Chullai, Sr GA.

WP(C) No. 52 (SH) 2010

For the Petitioner : ***Mr T.T. Diengdoh,***
Mr K Baruah, Advs

For the Respondents : ***Mr KS Kynjing, Advocate.General,***
Meghalaya.
Mr ND Chullai, Sr GA.

WP(C) No. 88 (SH) 2010

For the Petitioner : ***Mr B Bhattacharjee,,***
Mr S Changkija,
Mr S Lengthang, Advs

For the Respondents : ***Mr KS Kynjing, Advocate.General,***
Meghalaya.
Mr ND Chullai, Sr GA.

WP(C) No. 408 (SH) 2010

For the Petitioners : **Mr B.K. Deb Roy,
Mr P Yadav,
Mr SN Upadhaya, Advs**

For the Respondents : **Mr KS Kynjing, Advocate.General,
Meghalaya.
Mr ND Chullai, Sr GA.
Mr R Jha,
Mr N Mozika,
Mr AM Ripnar, Advs**

WP(C) No.267 (SH) 2010

For the Petitioner : **Mr MF Quershi,
Ms K Cheisa, Advs**

For the Respondents : **Mr KS Kynjing, Advocate.General,
Meghalaya.
Mr ND Chullai, Sr GA.**

WP(C) No.50 (SH) 2010

For the Petitioner : **Mr T.T. Diengdoh,
Mr K Baruah, Advs**

For the Respondents : **Mr KS Kynjing, Advocate.General,
Meghalaya.
Mr ND Chullai, Sr GA.**

WP(C) No.15 (SH) 2010

For the Petitioner : **Mr T.T. Diengdoh,
Mr K Baruah, Advs**

For the Respondents : **Mr KS Kynjing, Advocate.General,
Meghalaya.
Mr ND Chullai, Sr GA.**

WP(C) No.182 (SH) 2010

For the Petitioner : **Mr R Jha,
Mr K Kharmawphlang,
Ms P Dhar,
Mr M Jha, Advs**

For the Respondents : **Mr KS Kynjing, Advocate.General,
Meghalaya.
Mr ND Chullai, Sr GA.**

Date of hearing : **22.08.2011**

Date of Judgment & Order : **21.10.2011**

JUDGMENT AND ORDER

This batch of nine writ petitions involving virtually a common question of facts and of law were heard together, and are now being disposed of by a common judgment. All the petitioners are aspirants for the posts of Assistant Teachers in the Government Lower Primary Schools under the Education Department, Government of Meghalaya.

2. For the sake of convenience and brevity, I shall first decide **W.P.(C) No. 106(SH) of 2010** and will attempt to apply, in so far as possible, my decision thereon to the facts of the remaining eight writ petitions. In this writ petition, there are forty-four petitioners and 95 private respondents in addition to the State-respondents. It may, however, be noted that the names of the petitioner No. 1, 6 and 45, on their prayers, were subsequently deleted from the cause title. By the advertisement dated 15-6-2006 published in the local papers, it was notified that Eligibility Tests (SET) for persons desirous of applying for the posts of Assistant Teachers in the Government Lower Primary Schools ("LP Schools") were being conducted by the Directorate of Education Research and Training, Meghalaya and that the minimum eligibility for appearing in the Test was HSSLC/Class XII passed from any recognised University/Board with the age of not less than 18 years and not more than 27 years as on 1-7-2006 and upper age limit being relaxable by 5 years in respect of Schedule Tribes/Scheduled Caste. In response to the advertisement, all the petitioners herein applied for the eligibility test and were allowed to participate therein: all of them passed both the written examination and personal interview the test, the result whereof was published in order of merit and was displayed in the Notice Board of the Directorate of Educational Research and Training (DERT) and also at the District Institute of Education and Training (DIETS). However, none of the successful candidates were appointed for the posts, in my opinion, rightly so. In the meantime, the petitioners, who successfully passed the eligibility test known as "SET" came

across the advertisement dated 10-12-2008 issued by the Deputy Inspector of Schools inviting applications from candidates for appointments to the posts of Assistant Teachers in the Government Lower Primary Schools in the scale of pay of Rs. 3450-5650/- per month and stipulating that such candidate should not be less than 18 years of age and more than 27 years of age (32 for SC/ST) on the 1st day of December, 2008. The candidates found to be eligible and qualified for the post would appear for personal interview which was to be conducted by the Selection Committee as constituted by the Government.

3. The petitioners, who had the requisite qualifications and successfully passed the eligibility test accordingly applied for the posts in respect of Jowai Sub-Division. Thereafter, the State-respondents issued the notification dated 24-11-2008 prescribing the procedure to be adopted in all matters of appointment of teachers in the LP Schools, which was to come into force with immediate effect. Clause 30 of this notification prescribed the manner in which marks were to be distributed by the Selection Committee in the personal interview, which reads thus:

Clause 30

“The full marks for this personal interview shall be 50(fifty) and the distribution of marks shall be as follows:

1.	Academic qualification	10 marks
2.	Professional qualification	10 marks
3.	Suitability	10 marks
4.	Experience	10 marks
5.	Micro-teaching ability	10 marks

The following weightage will be applicable:-

Under the “Academic Qualification” head

1.	Degree level (45%+) and above	10 marks
2.	Class XII passed 1st Division	7 marks
2 nd Division	5 marks	
3 rd Division	2 marks	

Under the “Professional Qualification” head

3.	SET qualified candidate	10 marks
4.	BTC/DIET passed	8 marks
5.	B.Ed.	5 marks

Under the “Experience” head

6. Contractual Teacher (on account of experience) 7 marks.”

4. All the petitioners were found to be eligible for the posts. Personal interviews of the candidates were conducted in a phased manner on the following dates:

Date of Interview	Candidates in Sl. No.
23/06/2009	1 to 80
24/06/2009	81 to 160
25/06/2009	161 to 240
26/06/2009	241 to 320
30/06/2009	321 to 400
01/07/2009	401 to 480
02/07/2009	481 to 518

According to the petitioners, the list of candidates who qualified for appointment as Assistant Teachers in the LP Schools under Jowai (Sadar) Sub-Division was published by the respondent No. 2, but they were surprised to learn that they were not selected, while less deserving candidates were selected for the appointments: this created doubts in their minds about the fairness and transparency in the selection process conducted by the Selection Committee. They, therefore, filed applications under the Right to Information Act, 2005 for supplying information and documents relating to the selection process including the score sheets. The Public Information Officer in the Directorate of Elementary and Mass Education, Meghalaya vide his letter dated 1-2-2010 supplied the information sought for. It is contended by the petitioners that widespread manipulation, favouritism and illegality loomed large on the face of the information furnished under the RTI Act, which generated widespread condemnation and criticism from every nook and corner of the State, and even one NGO had gone to the extent of filing an FIR with the Superintendent of

Police, East Khasi Hills against the officials responsible for illegal alteration, addition of and overwriting the score sheets and for the irregular distribution of marks to the favourite candidates and those who were having political backing. It is further alleged by the petitioners that the State-respondents totally ignored Clause 30 of the said Government notification dated 24-11-2008 and have in the process arbitrarily and illegally distributed the marks at their whims and fancy as can be seen from the list enclosed herewith as Paper Mark ‘A’ and ‘B’, which were prepared by them after comparative reading of the score sheets. According to the petitioners, but for such arbitrariness and manipulation, they would have been selected for the appointments as they are more meritorious on every aspect. It is the further case of the petitioners that on scrutiny of the score sheet so supplied, they came to learn that some of the candidates whose names did not appear in the list of applications were shown to have appeared the personal interview on 2-7-2009 under Roll No. 519, 520, 521, 522 and 523 and out of five from the list, two of them under Roll No. 519 and 520 have been selected for the appointment and the candidate under Roll No. 522 was placed in the waiting list. The candidates are as under:

<u>Sl. No.</u>	<u>Roll No.</u>	<u>Name</u>	<u>Address</u>	<u>Sl. No. in Select List</u>
01	519	Smti. Monica War	Mynso Village	35
02	520	Smti. Dabnalang Suiam	Mootyrchiah Village	40
03	522	Smti. Shidalin Susngi	Nongbah Village	24 in waiting list

5. The petitioners go on to allege that as per the advertisement dated 10-12-2008, the age limit for a candidate was to be not be less than 18 years of age and not more than 27 years of age (32 years for SC/ST) on the 1st day of December, 2008, but they were surprised to learn that a number of candidates who were overage had been allowed to participate in the personal interview and were selected for the posts in question. The names of those candidates and their

particulars indicated in a separate sheet marked 'C' are enclosed with the writ petition. Similarly, there are as many as 33 candidates who are underage were allotted marks for experience most illegally and were selected for the appointments. For example, candidates, whose names appeared at Serial No. 9, 13, 31, 33 and 38 were allotted marks for experience even though they were underage: they were also allotted 39 marks each as apparent from the score sheet. These are shown separately at Paper Mark 'D' in the writ petition. It is contended that the entire selection process is tainted by massive fraud, irregularities, arbitrariness, malpractices and nepotism to favour candidates sponsored and backed by politicians. This resulted in denying appointments to deserving and meritorious candidates and, conversely, in selecting unqualified, meritless and undeserving candidates thereby making a mockery of Articles 14 and 16 of the Constitution of India. It is submitted by the petitioners that the manner in which the marks were manipulated by the State-respondents in the score sheet is required to be seriously viewed as otherwise the public in general and the deserving candidates in particular will lose confidence in the public authorities: officials found to be responsible for act of commissions or omissions deserve severe punishment as future deterrent. It is thus a fit case for directing an enquiry/investigation of the selection process either by the State C.I.D. or C.B.I. The petitioners, therefore, pray that appropriate orders be issued by this Court for quashing the entire selection process as well as the appointments of respondents No. 6 to 100 and thereafter direct the State-respondents to conduct fresh selection process.

6. The writ petition is resisted by the State-respondents as well as the private respondents, except respondent 17, 25, 29, 30, 34, 36, 37, 38, 39, 41, 73, 77, 79, 93 and 95, by filing separate affidavits-in-opposition. The case of the State-respondents is that SET was conducted by the Directorate of Educational Research and Training, Meghalaya pursuant to the advertisement dated 15-6-2006 and the notification dated 18-2-2005 in which the petitioners also

participated: there was no merit list which necessitated another advertisement for further screening and viva voce test. As there were more than 3,100 candidates who cleared SET as against 749 vacancies all over the State, the Department decided to conduct further screening by inviting applications from those who passed SET and also from candidates who has Diploma in Teacher Training including those who were already working as a contract teachers for more than five years, for which a revised SET notification had to be issued on 24-11-2008 so as to enable the trained teacher candidates and second class graduates to apply for the posts. The advertisements for the respective offices of the Deputy Inspectors were then issued on 10-12-2008 in response to which the petitioners as well as other eligible candidates also applied for the posts. There were 5,500 candidates, apart from the petitioners, who applied for the posts all over the State which included 523 candidates who applied for the Jowai (Sadar) Sub-Division. According to the to the State-respondents, the SET notification issued on 24-11-2008 was a notification revising SET norms notified on 18-2-2005, which constituted the District and Sub-Division level Selection Committee and of the allocation of marks for selection of the candidates, the details whereof are as under:

“NON-VARIABLE MARKS/SCORE

A)	Academic:		10 marks (maximum)
1.	Degree with 45% marks	-	7
2.	XII 1 st Division	-	5
3.	2 nd Division	-	2
B)	Professional		10 marks (maximum)
	1. SET passed	-	10 (maximum)
	2. BTC/DIET passed	-	8
	3. B.Ed. passed	-	5

VARIABLE MARK SCORE

C)	Viva Voce and Practice teaching	-	30 (maximum)
	Break-up		
	1. Suitability (4 members) 5-5-5-5	-	20 marks
	2. Experience & practice teaching ability		10 marks

GRAND TOTAL (Academic + professional + Viva Voce) = 10+10+30 = 50.”

7. It is stated by the State-respondents that the list of all the eligible candidates including private respondents were prepared for further screening through viva voce and practice teaching test through the Selection Committee duly constituted for the purpose. The personal interview for the Jowai Sub-Division was conducted at Jowai from 23rd June, 2009 to 2nd July, 2009 in which eighty candidates were screened per day: the list of all qualified candidates was published on 23-12-2009. The list of the qualified candidates so published was in terms of the list of candidates interviewed and finalized by the Selection Committee constituted by the said notification dated 24-11-2008 in accordance with their performance in the viva voce test and practical teaching. The petitioners were duly supplied the results and the score sheets as requested by them under the RTI Act. The State-respondents denied that there was any manipulation or alteration of marks as alleged by the petitioners, but do not rule out some minor clerical and arithmetical errors. They also deny that there was violation of any of the SET norm. It is pointed out by the State-respondents that the candidates shown as not appearing in the list viz. Roll No. 519 to 523 were candidates rejected at the District Office for not possessing SET, but these candidates were eligible as per the advertisement for possessing a degree qualification with 45% marks. They were allowed to appear on the last day of the interview and were accordingly interviewed on their representation to the Directorate. It is also claimed by the State-respondents that the age limit for the general candidates is a minimum of 18 years and a maximum of 27 (+5), but the advertisement clearly provided that those contract employees who had already been serving for more than 5 years were also eligible provided they entered service within the prescribed age limits as on 25-11-2003.

8. According to the State respondents, the marks allotted for experience also includes marks for practical teaching (micro-teaching ability), and, therefore, a combination of both practical teaching and experience, which was done to ensure fair distribution of variable marks of 30 as assigned for viva voce: no

marks were accordingly given by the Selection Committee to those who did not do well in micro-teaching. Thus, those candidates who did well in the practical teaching (micro-teaching ability) were assigned high marks by the Selection Committee. It is asserted by the answering respondent that the selection process starting from the stage of SET to the end of the personal interview were conducted as per the prescribed SET norms as notified by the Government in a fair and transparent manner. Some 111 qualified candidates in the Jowai Sub-Division have already been appointed and have been successfully serving as Assistant Teachers for about one year. Though public notice was given to all aggrieved candidates to make representations within 60 days, but the petitioners did not do so: the writ petition is, therefore, liable to be dismissed. These are the contentions of the State-respondents.

9. In the affidavit-in-opposition filed by the respondent No. 5, it is contended by her that the writ petition suffers from non-joinder of necessary parties: out of 111 candidates recommended for the appointments and out of 36 candidates kept in the waiting list, the petitioners impleaded only 96 selected candidates. Having participated in the selection process without any objection, the petitioners cannot now turn around and challenge the selection when they were not selected: they are barred by the principle of estoppel. The petitioners failed to prove that they applied for the posts of Assistant Teachers within 14-7-2006, which, as per the advertisement dated 15-6-2006, was the last date of submission of the applications or that they passed the written examination. In any case, as the State-respondents did not appoint the candidates who passed the eligibility test within a period of one year from the date of declaration of the results, the result stood lapsed at the end of one year: the petitioners no longer have the vested rights to be appointed on the basis of such result. None of the petitioners sought for information under the RTI Act: it was one Fredricton Langblang who sought the information. The petitioners are thus guilty of suppression of facts. The selection was made on the basis of performance,

experience and qualification, but the petitioners were not found by the Selection Board to be meritorious enough to be appointed for the posts in question. It is vehemently denied that the interviews were conducted by the Board in an unfair and partial manner or that there were manipulations in the marks or arbitrariness while allotting marks to the petitioners.

10. It is also the case of the answering respondent that in the year 2006, applications were invited for the same posts, and those who had applied in the year 2006 were asked to sit for SET test: all those candidates who passed in the year 2006 were accordingly allowed to apply for the posts in terms of the advertisement dated 10-12-2008 provided they were within the prescribed age limits as on 2006. The allegations of the petitioners that overage candidates as on 10-12-2008 could not be appointed, is hence false. It is contended that the paper mark 'D' does not prove that the selected candidates are below the prescribed age limit. As per the practice prevailing in the LP Schools of remote villages where the school timings are between 6 AM and 9 AM and where schools are usually run by churches, village Durbar, society, etc., these schools engage grown up students of the villages as teachers at a very young age. The interviews conducted by the Selection Board were fair and without any favour, and no investigation by State C.I.D. or CBI is, therefore, warranted. It is denied that there has been any objection or public outcry against the impugned selection process. In so far as the allegations made against her, which was shown at Serial No. 1 under Roll No. 13 of Paper Mark-B, compilation of the working sheet is false and misleading. It is pointed out by her that she used to be a Teacher in the Police Public Secondary School, Jowai since 2004: her selection was made purely made on merit. The answering respondent points out that it will do grave injustice to the selected candidates, who have already appointed and have been serving in those posts for the last more than one year. It is, therefore, contended by her that the writ petition is liable to be dismissed.

11. The affidavit-in-opposition of the respondent No. 6 is also perused by me, and there is no substantial difference between her contention and the contention of respondent 5. However, she clarifies that the remarks made against her by the petitioners as shown at Serial No. 2 under Roll No. 15 of Paper Mark-B is false and she was a teacher of RKM LP School, Pomsahmen, Sohra since 2005. She contends that there was no manipulation whatsoever by the Selection Board in allotting the marks to her, but concedes that there might have been clerical error while tabulating her marks from the original score sheet of individual members: these errors have not been corrected on the basis of the actual marks allotted to her by the individual members of the Selection Board. The affidavit-in-opposition of respondent 11 is also to the same effect. It is, however, asserted by her that the remarks made against him as shown at Serial No. 6 under Roll No. 59 of Paper Mark-B are false and misleading and points out that he has been a teacher of Presbyterian Secondary School since 2007 and reiterates the contention of respondent 5 and 6. The stance taken by the respondents No. 12 and 13 in their counter-affidavits are also one and the same. She, however, asserts that the remarks made against her by the petitioners as shown in Serial No. 8 under Roll No. 90 is false and misleading and points out that she was a teacher of Faith Academy Secondary School, Jowai since July 2008. She also denies any manipulation by the Selection Board in the allotment of marks to favour her. The case of respondent No. 14,15,16,18,19,20,21,22,23 and 24 are also to the same effect and need not be reproduced herein. As for the respondent No. 26, apart from making similar defence, she maintains that the remarks made against her by the petitioners as shown at Serial No. 1 under Roll No. 182 of Paper Mark-C are false and misleading and states that the application for the post in question was made by her in response to the advertisement dated 15-6-2006 and that her age on the date of making this application in 2006 was 30 years. According to her, she also passed SET examination in 2006, and was accordingly within the age limit when her application was submitted in November,

2008. The affidavit-in-opposition of the respondent No. 27 is also substantially similar to the affidavit of respondent No. 26 and maintains that when she made the application in response to the advertisement dated 15-6-2006 and passed SET examination in 2006, she was like the respondent No. 26, 30 years old and was, therefore, within the age limit so prescribed. The case of respondent 28 and 30 as projected in their respective counter affidavits are also no different, and need not be referred to separately. So is the affidavit-in-opposition of the respondent No. 32. The affidavits-in-opposition of the remaining respondents also need not be reproduced as they are repetition of what were already referred to earlier.

12. At the outset, I wish to make it clear that the advertisement dated 15-6-2006 (Annexure-1) was not meant for inviting candidates for appointment to the posts of Assistant Teachers: the advertisement was merely for *holding eligibility test for persons desirous of applying for appointment* as Government Lower Primary School Teachers. At the most, this can be treated as, which it turned out to be, a screening test for *persons desirous of applying* for the posts of Assistant Teachers. It is the advertisement dated 10-12-2008 (Annexure-II), which actually invited candidates for appointment to the posts of Assistant Teachers. The case of the State-respondents is that though the petitioners and others cleared the SET Test, there was no merit list as claimed by the petitioners, which warranted another advertisement dated 10-12-2008 for further screening and viva voce test. In my opinion, this contention flies in the face of Clause 11 of the advertisement dated 15-6-2006, which clearly provides that the list of candidates who have passed both the written examination and the personal interview in the eligibility test would be published in order of merit and displayed in the notice board of the Directorate of Educational Research and Training (DERT) and at the District Institutes of Education and Training (DIETs). Of course, whether the candidate who passed the SET has the right to be appointed to the post of Assistant Teacher, is an entirely different issue. The right to be appointed cannot be

confused with eligibility: a person may be eligible for appointment but cannot, ipso facto, claim the right to be appointed, which is plainly made clear by the advertisement dated 15-6-2006 when it said that that it was an eligibility test for *persons desirous of applying for appointment as Lower Primary school Teachers*: it did not say that it was a recruitment examination for appointment as Lower Primary school Teachers. In other words, if a person desires to apply for appointment to the post of Lower Primary school Teacher, he must first pass the eligibility test. The candidate who clears the SET, among others, can only apply for appointment to the post of an Assistant Teacher.

13. Before proceeding further, it may be instructive to refer to the relevant clauses of the advertisement dated 10-12-2008 (Annexure-II), namely, Clause 1 and Clause 2 as the interpretation of this advertisement may give a clue to resolving the controversy raised in the writ petition and the same reads thus:

“Eligibility and Educational Qualification:-

1) Educational Qualification:-

(a) HSLC or Pre-University Passed candidates who have cleared SET during 2006-2007.

OR

(b) BA/B.SC./B.Com passed candidate of any recognised University established by an Act of Parliament or State Legislature having secured a minimum of 45% marks.

OR

(c) Persons who have successfully completed the course of training for L.P. School teachers conducted by DIET, Normal Training (NTC) Basic Training Centre (BTC) Cherra Teacher Training Centre (CTTC) and obtained the Junior Training Certificate/Diploma in Elementary Teacher Education (DETE) or Diploma in Education (D.Ed)/CPE Course conducted IGNOU.

OR

(d) Persons who possess the minimum qualification (HSLC/PUC) prescribed for appointment as L.P. School Teacher who have been teaching in the Government L.P. Schools for a continuous period of not less than 5(five) years as on 24-11-2008 are also eligible to apply provided they entered service within the prescribed age limit of 27 years (32 years for SC/ST) as on 25-11-2003.

2) Age:- Candidates should not be less than 18 years of age and (not?) more than 27 years of age (32 years for SC/ST) on the 1st day of December, 2008.

14. It may not also be out of place to have a bird's eye view of the relevant provisions of the notification dated 24-11-2008 prescribing the procedure to be adopted in all matters of appointment of teachers in Government L.P. School:

THE ELGIBILITY TEST FOR PRIMARY SCHOOL TEACHERS

“There shall be an Eligibility Test for all persons desirous of applying for appointment as L.P. School teachers and only persons who have passed the test shall be eligible for appointment as such L.P. School teachers;

Provided that the following persons are exempted from the requirement to pass the aforesaid Eligibility Test:

- a) Persons possessing qualifications which are higher than the minimum qualification prescribed for appointment as L.P. School teacher with not less than 45% in their degree examination.**
- b) Persons who have successfully completed the course of training for L.P. School teachers conducted by District Institutes for Education and Training (DIETs), Normal Training Schools (NTS), Basic Training Centres (BTC) and Cherra Teachers' Training Centre (CTTC) and obtained the Junior Teachers' Certificate/Diploma in Elementary Teacher Education (DETE)/Diploma in Education (D.Ed.).**
- c) Persons who possess the minimum qualification prescribed for appointment as L.P. School teacher who have been teaching in L.P. Schools for a period of not less than 5(five) years from the date of issue of this notification.”**

15. The eligibility test is to consist of written examination in English paper, Mathematics & Science and General Knowledge to be followed by personal interview. Only those who have secured the pass marks in both the papers shall be called for personal interview. The full marks for the personal interview shall be 50 and the distribution of the marks will be as follows: (i) Academic Qualification – 20 marks, (ii) Personality – 10 marks, (iii) Ability to express himself/herself – 10 marks and (iv) suitability as a Teacher, which will include practical teaching – 10 marks. It further provides that the various educational qualifications possessed by the candidates who have passed the written test shall be given due weightage as follows:

- (a) PU/HSSLC/Class XII passed -1st Division – 5 marks
2nd Division – 3 marks

	3 rd Division - 1 mark
(b) Graduation	1st Class - 5 marks
	2 nd Class - 3 marks
	Simple Pass - 1 mark
(C) Post Graduation	1st Class - 5 marks
	2 nd Class - 3 marks
	Simple Pass - 1 mark
(d) Diet/BTC	1st Class - 5 marks
	2 nd Class - 3 marks

16. It is further provided that a candidate who has passed the personal interview shall be declared to have passed the eligibility test, the result whereof should be given wide publicity by announcement through the media. Thereafter, a certificate to that effect shall be issued to the candidate under the signature of the Director, Educational Research and Training. The vacancy which may arise in any school by reason of creation of a new post or redeployment of a post or retirement or death of the incumbent teacher for any other reason shall be informed by the DI of Schools concerned to the Director, Elementary and Mass Education, who will in turn inform the Government along with the number of sanctioned posts and the details of enrolment in the school and thereafter seek the approval of the Government to take steps to fill up the same through interview of candidates who have passed the eligibility test and those who have been exempted from passing the eligibility test as per para 1 above. On receipt of the Government approval, the DEME through the DI of Schools concerned shall notify in the notice board of the said school and the Office of the DI of Schools, the availability of vacancy. Clause 27 of the procedure is important, which is reproduced below ad verbatim:

“27. Thereafter the *Personal or Walk in Interview* shall be held in the Sub-Divisional or Sub-Divisional (Sadar) Headquarters under whose jurisdiction the school concerned is located on a date and time and at a venue to be fixed by the DEME and notified and published through the DI of Schools concerned.”

17. The procedure further prescribes that interested and eligible candidates may bring their certificates and testimonials in support of their educational qualification, age, community, etc. and appear at the interview. There is, however, a proviso to this clause, which says that the candidate should be within

the following age limits as on 1st January of each year on which the post is advertised:

- (i) In the case of candidates who have been mentioned at sub-paragraph (i) and (ii) of paragraph 1 of this notification, the candidate should not be less than 18 years of age and should not have crossed 27 years of age (relaxable upto 32 years in the case of SC/ST candidates).
- (ii) In the case of candidates mentioned at sub-paragraph (iii) of paragraph 1 of the notification, the candidate should have first entered service (contractual or otherwise) within the age limit mentioned at sub-paragraph (i) of this paragraph.

Clause 29 provides for the composition of the Selection Committee. Then clause 30 is important, which says that the full mark for the personal interview shall be 50 marks and the distribution of marks is to be as follows:

(i)	Academic Qualification	10 marks
(ii)	Professional Qualification	10 marks
(iii)	Suitability	10 marks
(iv)	Experience	10 marks
(v)	Micro-teaching ability	10 marks

The following weightage will; be applicable:-

Under the “Academic Qualification” head

(i) Degree level (45%+) and above	10 marks
(ii) Class XII passed 1st Division	7 marks
2 nd Division	5 marks
3 rd Division	2 marks

Under the “Professional Qualification” head

(iii) SET qualified candidate	10 marks
(iv) BTC/DIET passed	8 marks
(v) B.Ed.	5 marks

Under the “Experience” head

(vi) Contractual teachers (on account of experience)	7 marks
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Clause 31, 32 and 33 are important, which are reproduced below:

“32. The aforesaid approved merit list of recommended candidates shall be published by the Director, Elementary & Mass Education in the notice board of the Office of DI of Schools concerned.

33. The appointment shall be offered to the candidates strictly in the approved order of merit and no departure or variation therefrom shall be resorted to without fresh approval of the Director of Elementary & Mass Education for such departure or variation.

34. The appointment order shall be issued by the DI of Schools concerned.”

18. From the above notification dated 24-11-2008, which, according to the Director of School Education and Literature, revised the earlier notification to

enable the teacher trained candidates and second class graduates to apply for the posts, it is obvious that the recruitment process of teachers for Government L.P. School involves two stages, namely, the eligibility test and post eligibility test to be conducted by the Selection Committee by means of Personal or Walk-in-Interview to be held in the Sub-Divisional or Sub-Divisional (Sadar) Headquarters under whose jurisdiction the school concerned is located on a date and time and at a venue to be fixed by the DEME and notified and published through the DIs of the School concerned. Thus, all persons desirous of applying for appointment as L.P. School teachers shall have to go through the eligibility test, and only those persons who have passed the eligibility test shall be eligible for appointment as such LP School teachers. However, some persons are exempted from the eligibility test, namely, (i) those who possess qualifications which are higher than the minimum qualification prescribed for appointment as LP School teachers with not less than 45% marks in their degree qualification; (ii) those who have completed the course of training for LP School teachers conducted by District Institutes for Education and Training (DIETs), Normal Training Schools (NTSs), Basic Training Centres (BTCs) and Cherra Teachers' Training Centre (CTTC) and obtained the Junior Teachers' Training Certificate/Diploma in elementary Teacher Education (DETE)/Diploma in Education (D.Ed.) and (iii) those who possess the minimum qualification prescribed for appointment as LP School teacher who have been teaching in LP Schools for a period of not less than five years from the date of issue of the said notification i.e. 24-11-2008. The eligibility test consists of written examination and personal interview. Those who pass the eligibility test are to be given Certificates of Eligibility to the effect that they have qualified for appointment as Primary School teachers, which shall be issued under the signature of Director, Educational Research and Training. From the foregoing discussion, there can be no room for doubt that only those persons who pass the eligibility test and those who have been exempted from passing the eligibility test are entitled to participate in the Personal or Walk-in-Interview for

appointment to the post of LP School teachers and no one else. This is the mandate of the said notification.

19. It may further be noted that passing of eligibility test does not mean that the candidates who pass the eligibility test or are exempted from appearing in the eligibility test are automatically entitled to be appointed as LP School teachers. This is amply made clear by Clause 25 and the subsequent clauses of the said notification. Clause 25 mandates the DI of Schools concerned to inform the Director, Elementary & Mass Education the number of vacancies in respect of LP School teachers to be filled up and the Director will, in turn, inform the Government the vacancy position and seek the approval of the Government to take steps to fill up the same through interview of candidates who have passed the eligibility test and those who have been exempted from passing the eligibility test. On receipt of such approval, the Director through the concerned DIs of Schools is required to notify the availability of vacancy in the notice board of such schools and the office of DI of Schools. It is only after such notification that Personal or Walk-in-Interview should be held in the Sub-Divisional or Sub-Divisional (Sadar) Headquarters under whose jurisdiction the school concerned is located on a date and time and at a venue to be fixed by the Director and notified and publicised through the concerned DI of Schools. Clause 30 prescribes the full marks for the personal interview and the distribution of marks as already indicated above. After the personal interview is conducted, the list of recommended candidates *in order of merit* is to be prepared by the Election Committee, which shall then be sent to the Director for approval. Under Clause 32, it is provided that the approved merit list of recommended candidates (select list) shall thereafter be published by the Director in the notice board of the D.I. of Schools. Clause 33 says in no uncertain terms that the appointment shall be offered to the candidates strictly *in the approved order of merit* and no departure or variation therefore shall be resorted to without fresh approval of the Director for such departure or variation. I have had to extensively refer to the various

clauses of the notification dated 24-11-2008 to examine the validity of the impugned selection process in the light of the allegations made by the petitioners of massive irregularities, which border on fraud and grave public mischief, there against. In the instant case, it is the common ground of the parties that all the petitioners had participated in and were declared to have passed the eligibility test, which was held in the year 2006 in terms of the advertisement dated 15-6-2006. The State-respondent thereafter by the notification dated 10-12-2008 issued the advertisement inviting from citizens of India for appointment to the posts of Assistant Teachers in the Government LP Schools in the pay scale of Rs. 3,450-5,650/-.

20. It is seen that the personal interview for candidates in respect of Jowai (Sadar) Sub-Division was conducted on various dates between 13-6-2009 and 2-7-2009 and the list of successful candidates was subsequently published: 111 candidates were short-listed for the appointments, while eleven candidates were short-listed for the waiting list. None of the petitioners found a place either in the select list or in the waiting list even though they claimed to have performed better than the selected candidates in the Personal Interview, and are more deserving than the private respondents. Drawing my attention to Serial No. 2 of Paper Mark 'A' annexed to the writ petition, Mr. M.F. Qureshi, the learned counsel for the petitioners, submits that the petitioner No. 2, who has had a contractual experience for two years, was given only 2 marks, whereas the minimum mark awardable in terms of the notification dated 10-12-2008 is 7 marks i.e. 5 marks short of her entitlement. Similarly, the petitioner 3, who had a teaching experience of 7 years was not given even one mark. Likewise, according to the learned counsel, the respondent No. 4 to 27, who have teaching experiences ranging from 1 to 11, were given marks ranging from zero to 6 but never 7 contrary to the guidelines formulated in the notification dated 10-12-2008. The submission of the learned counsel is that awarding of marks far less than the full mark so prescribed without any rhyme or reason has denied the petitioners of

their right to be selected for the appointments. The learned counsel then takes me to Paper Mark 'B' annexed to the writ petition to show the manipulations and overwriting of marks and points out that the respondent No. 5 was given 8 marks for experience thereby exceeding the full mark of 7 prescribed under this head and was also given 13 marks exceeding the full mark of 10 allotted against this head, obviously to enable her to get 41 marks. Similarly, he points out that the respondent No. 6 was awarded 16 marks under the head of micro-teaching experience whereas the maximum mark so prescribed is 10 just to enable her to get 40 marks. It is further pointed out by the learned counsel that the respondent No. 7 was awarded 20 marks under the head of micro-teaching experience when she did not even have any teaching experience worth the name. According to the learned counsel, these are just a tip of an iceberg: the entire selection process was a farcical exercise and marked by massive and gross irregularities clearly evidencing nepotism, favouritism and manipulation on the part of the respondent authorities. He also points out that the selected candidates named in Annexure-C to the writ petition were already overage at the time of applying for the posts and that the selected candidates shown at Annexure-D to the writ petition could not have earned the experiences for which marks ranging from 7 to 10 marks were awarded to them inasmuch as they would be rendering services when they were still underage. He, therefore, strenuously urges this Court to quash the impugned selection and appointments, order C.I.D./CBI inquiry into the entire selection proceedings to do justice to the petitioners.

21. Mr. K.S. Kynjing, the learned Advocate General, Meghalaya, defends the impugned selection process and denies that there were irregularities, much less, massive irregularities, in the selection process. According to him, the allegations of manipulations or overwriting of marks in the score sheets of the candidates are baseless and not borne out by the records, which are now produced before this Court for verifications. He also submits that the writ petition is highly defective and suffers from non-joinder of all the necessary parties and, is, therefore not

maintainable in the present form. He further contends that the petitioners, who, having participated in the recruitment process, cannot now turn around and challenge the result thereof when they found that they were not selected: they are barred by the principles of estoppel, acquiescence and waiver. In support of his various contentions, he relies on the following decisions:- **(a) State of UP & another v. UP Rajya Khanij Vikas Nigam Sangharsh Samiti, (2008) 12 SCC 675; (b) Sadanand Halo v. Momtaz Ali Sheikh, (2008) 4 SCC 619; (c) Union of India & ors. V. Tarun K. Singh & ors., (2003) 11 SCC 768; (d) Chandra Prakash Tiwari & ors. V. Shakuntala Shukla & ors., (2002) 6 SCC 127; (e) Madan Lal v. State of J & K, (1995) 3 SCC 486; (f) Dalpat Abasaheb Solunke v. B.S. Mahajan, (1990) 1 SCC 305 and (g) Om Praksah Shukla v. Akhilesh Kumar Shukla & ors., 1986 Supp SCC 285.** He strongly urges this Court to dismiss the writ petition, which is bereft of merit. Mr. ODV Ladia, the learned counsel for the private respondents, endorses the contentions of the learned Advocate General and submits that all the private respondents have been selected on the basis of their meritorious performances in the personal interview, and their selections cannot, therefore, be faulted with.

22. After hearing the learned counsel appearing for the rival parties and on perusing the pleadings and other materials on record, the first point for consideration is, whether the respondent Nos. 26, 27, 31, 35, 40, 46, 53, 59 and 87, all of them had already crossed 33 years or more by the time they applied for the posts in the year 2008, were overage? To recapitulate the advertisement, it was provided therein that the candidates should not be less than 18 years and not more than 27 years of age (32 years for SC/ST) on the 1st day of December, 2008. However, the preceding clause, namely, Clause 1(d) makes an exception for in-service candidates, which says that persons who possesses the minimum qualification for the post, who has been teaching in the *Government* LP School for a continuous period of not less than five years as on 24-11-2008 and who *entered the service* within the prescribed age limit of 27 years (32 years in the

case of SC/ST) as on 25-11-2003 would also be eligible to apply for the post. In other words, to be eligible for the post of Assistant Teacher, the following conditions must be fulfilled by an intending candidate, namely:-

- (a) He must have been teaching in a Government LP School;
- (b) Such teaching must be for a continuous period of not less than five years as on 24-11-2008;
- (c) He must have also entered such service within the prescribed age limit of 27 years (32 years in the case of SC/ST) as on 25-11-2003.

23. From the affidavit-in-opposition filed by the respondent No. 26, it is seen that she had been serving at Madankhliehriat Upper Primary School since 1999, which is obviously not a Government LP School. She, on the basis of her date of birth (Annexure-III), had already exceeded 32 years by about 4 months on 24-11-2008. As she was then not serving in a Government LP School, she could not be saved by Clause 1(d) of the rules. Having become overage when she applied for the post, she could not have been allowed to participate in the personal interview. Similarly, the respondent No. 27 was overage by the time she applied for the post as she never served in a Government LP School. So is the respondent Nos. 31, 35, 40, 46, 53, 59 and 87, who never worked in Government LP Schools as evident from their respective affidavits-in-opposition. There is no evidence from the affidavit-in-opposition of the State-respondents to indicate that their ages have been relaxed. Thus, on the facts found by me, *prima facie*, the selection of these respondents who are overage and their subsequent appointments cannot be sustained in law. The next question which falls for consideration is, whether the marks given to respondent Nos. 7, 10, 11, 12, 16, 19, 21, 28, 30, 33, 38 45, 52, 55, 57, 64, 71, 75, 76, 80. 82, 83, 84, 86, 88, 90, 91, 92, 94, 95, 97 and 98 under the head of "Experiences" are possible on the basis of their respective dates of birth? As already noticed, a total of 10 marks is allotted for experience and seven marks are meant for experience as a contractual teacher. The allegation of the petitioners is that ten marks given to respondent 7, who was born in 1983, under this head was hardly possible when

she could only have served 7 years: she must have been teaching at the age of 16 years. Moreover, there is no evidence of her serving as a teacher at any time. On what basis such marks were given to respondent 7 is not known and no explanation is forthcoming from the respondent authorities. For example, the petitioner had a teaching experience of 7 years but was given nil mark under this head. Similarly, the petitioner No. 6 was given only 4 marks when she had a teaching experience of 11 years out of which 5 years were rendered as contractual teacher.

24. It is not comprehensible as to whether the marks under the head “Experience” were awarded on the basis of the number of years as a teacher or as a contractual teacher rendered by him/her or both. Suppose, the candidate had rendered no service at all as a contractual teacher, was he/she to be given marks under the head of “Experience” up to 10 marks? Again, if he/she only had rendered his/her service as a contractual teacher for eight/nine years, could he/she be entitled to a maximum of 7 marks only? Or only when a candidate rendered services both as a contractual teacher as well as non-contractual teacher that he/she would be entitled to marks up to 10 marks? In view of this ambiguity and uncertainty, the respondent No. 88, who was admittedly born in the year 1988 and was, therefore, hardly 20 years when she applied for the post in 2008, managed to get 7 marks under the head of “Experience”, which cannot be permitted: she would be about 14 years old when she started working as a teacher! So is the respondent No. 82, who was admittedly born in the year 1987 but was awarded 10 marks under this head. Similarly, the respondent Nos. 10, 12, 16, 19, 21, 28, 30, 33, 38, 45, 64, 75, 83, 86, 90, 91, 94, 97 and 98, who were born in different years but between the years 1982 and 1986, were awarded 10 marks when the youngest of them would be able to start working as a teacher at the age of only 17 years. On the other hand, the petitioner No. 7 had a teaching experience of seven years, but was awarded only 1 mark under this head. Similarly, the petitioner Nos. 9, 10 and 11 had teaching experiences of 6 years

and 9 years but were awarded 1 mark, 2 marks and three marks respectively. Something is rotten in the State of Denmark! In the absence of rational explanation for this state of affairs, which is the case here, I am constrained to observe, prima facie, that the selection process suffers from arbitrariness, perversity and irregularities and is indefensible. The inference is, therefore, irresistible and the conclusion inescapable that the impugned selection process is vitiated by nepotism, favouritism and malice in law, if not malice in fact.

25. Coming now to the allegation of manipulation of marks in the personal interview, I will start with the case of the respondent No. 11. This respondent was given 10 marks for her qualification as BA and another 5 marks for her additional qualification of B.Ed. There is no dispute about her aforesaid qualification. But it is not comprehensible as to how she has been awarded 9 marks under the head of “Experience” when she had hardly worked for one year when she applied for the post and when the full mark for experience as contractual teacher is 7 marks. Similarly, it is also not possible to know, in the absence of explanation by the respondent authorities, as to how she was awarded 17 marks out of 20 marks allotted under the head of ‘Suitability & Micro-teaching Ability’ when she barely had a practical teaching experience of one year. In the case of respondent No. 18 (Shri Loosar Lanong), though he had worked as a teacher for hardly six years, he was awarded 10 marks for his experience as contractual teacher: the maximum mark allotted for this experience is 7 marks. Besides, over-writings of marks are found in the columns relating to this head and the Grand Total. There is thus considerable force in the allegations of manipulations in the awarding of marks to this respondent. In the case of respondent No. 20, though there is no evidence of teaching experience, contractual or otherwise, yet she was awarded 10 marks under this head. In the absence of evidence of experience, it is difficult to understand as to how she was awarded 18 marks out of 20 marks under the heading “Sustainability & Micro-teaching Ability”. Besides, there is also evidence of overwritings in the compilation sheet pertaining to this respondent.

26. As for respondent No. 21, she has no teaching experience whatsoever, yet she was awarded 10 marks under the head of experience as contractual teacher and another 18 marks under the head of “Sustainability & Micro-teaching Ability” without any apparent basis. In the case of respondent 59, she was a Teacher of Lumpyrdi Govt. L.P. School only since 2007, yet she has been awarded 10 marks under the head of experience as a contractual Teacher and another 20 marks (full mark) under the head of :Suitability & Micro-teaching Ability” without any apparent basis. This is thus another case of manipulation of marks. Then, there is the case of respondent 87, who is not a graduate, but passed SET and has a teaching experience of hardly four years, but was awarded 10 marks under head of “Experience” and 18 marks under the head of “Suitability & Micro-teaching Ability” without any rhyme or reason. That apart, there are also overwritings and erasure marks in the related column of the compilation sheet. In the case of respondent 67 also, he had worked only for barely for two years, yet, he was awarded 7 marks under the head “Experience” and another 16 marks under the head of “Suitability & Micro-teaching Ability”. There is also evidence of overwriting and erasure in the related column of the compilation sheet. In the case of respondent 68 also, there is evidence of overwritings and/or erasure mark in the marks pertaining to experience and the grand total. There is also evidence of erasure marks/manipulation with respect to the marks awarded to the respondent No. 70 concerning suitability and micro-teaching experience ability: she barely had a teaching experience of one year. In the case of respondent 71, she hardly had a teaching experience of 2 years, but was awarded 8 marks under the head of “experience” and another 17 marks under the head of “Suitability & Micro-teaching Ability” without any apparent reason. There is also evidence of overwriting marks in the related entries.

27. As for the respondent No. 7, there is no evidence that she is a graduate or had passed SET examination or has teaching experience whatsoever, yet she was awarded 10 mark for higher qualification and ten marks for experience as

contractual teacher and another 20 marks under the head of “Suitability & Micro-teaching Ability” without any apparent reason. Besides, there is evidence of overwritings and/or interpolations in the compilation sheet concerning the related entries. In the case of the respondent No. 76, there is evidence of overwriting/manipulation in the compilation sheet with respect to the heads of “Experience” and the head of “Suitability & Micro-teaching Ability”. As for the respondent No. 80, he hardly has a teaching experience for one year, yet he was awarded 9 marks against this entry and another sixteen marks under the head of “Suitability & Micro-teaching Ability” without any apparent reason. Besides, there is evidence of manipulation in his score sheet pertaining to this head. Similarly, the respondent No. 85 barely has a teaching experience of one year, yet he was awarded 8 marks under the head of contractual teaching and another 19 marks under the head of “Suitability & Micro-teaching Ability” without any apparent reason. Likewise, the respondent No. 86 had a teaching experience of hardly one year, yet she was awarded ten marks under the head of contractual teaching and another 16 marks under the head of “Suitability & Micro-teaching Ability” without any apparent basis. Moreover, it is noticed that numerous overwritings are found in the compilation sheet against the related entries. Respondent No. 88 also has hardly any teaching experience at all, but was awarded 7 marks under the head of “Experience” and another 18 marks under the head of “Suitability & Micro-teaching Ability” without any rhyme or reason. There is also evidence of manipulations in the compilation sheet with respect to the entries relating “Suitability & Micro-teaching Ability”. So is the case of respondent 89, who had only two years of teaching experience, yet was awarded 20 marks under the head of “Suitability & Micro-teaching Ability” without any apparent basis. In the case of respondent 90, she has a teaching experience of less than one month, but was awarded 10 marks under the head “Experience” and another 18 marks under the head of “Suitability & Micro-teaching Ability” without any apparent reason.

28. Coming now to respondent 91, she also had a teaching experience of hardly two years, yet she was awarded 10 marks under his head and another 18 marks under the head of “Suitability & Micro-teaching Ability” without any rhyme or reason. Moreover, there is evidence of interpolations and overwritings in the compilation sheet against these entries. This then takes me to the case of respondent 94, who has no teaching experience at all, but has been awarded 10 marks under the head of “Experience” and another 18 marks under the head of “Suitability & Micro-teaching Ability” without any apparent reason. Besides, there is evidence of manipulation of marks against the related entries. In the case of respondent 30 also, there is no evidence of her having any teaching experience, yet was awarded 10 marks under the head of “Experience” and another 11 marks under the head of “Suitability & Micro-teaching Ability” without any apparent basis. So is the case of respondent 32, who apparently had a teaching experience of hardly two years, but was awarded 7 marks under the head of “Experience” and another 18 marks under the head of “Suitability & Micro-teaching Ability” without any rhyme or reason. Similarly, respondent 33 had a teaching experience of hardly one year, yet she was awarded 10 marks under the head of “Experience” and another 18 marks under the head of “Suitability & Micro-teaching Ability” without any apparent basis. So is the case of respondent 49, who did not have any teaching experience, but was awarded 8 marks under the head of “Experience” and another 20 marks under the head of “Suitability & Micro-teaching Ability” without any apparent reason. Similarly, respondent 57 has hardly a teaching experience of 1 year, but has been awarded 9 marks under the head of “Experience” and another 19 marks under the head of “Suitability & Micro-teaching Ability” without any apparent basis. In the case of respondent 66, she did have any teaching experience, yet was awarded 8 marks for contractual teaching experience and another 20 marks (full mark) under the head of “Suitability & Micro-teaching Ability” without any rhyme or reason. As for respondent 75, she hardly had an experience of 4 years, yet was awarded 10

marks for contractual teaching experience and another 16 marks under the head of “Suitability & Micro-teaching Ability” without any apparent reason. Besides, there is evidence of over-writings in the compilation sheet against the related entries. So is the case of respondent 92, who has a teaching experience of hardly 3 years, but has been awarded 7 marks for contractual teaching experience and another 18 marks under the head of “Suitability & Micro-teaching Ability” without any apparent basis. Moreover, there is evidence of erasures and over-writings in the markings of the related entries in respect of this respondent. Similarly, the respondent 43 has an experience of hardly five years without any additional qualification, but has been awarded 8 marks for contractual teaching experience and another 20 marks (full mark) under the head of “Suitability & Micro-teaching Ability” without any rhyme or reason. So is the case of respondent 45, who has barely a contractual teaching experience of three years, but has been awarded 10 marks for contractual teaching experience and another 16 marks under the head of “Suitability & Micro-teaching Ability” without any apparent reason.

29. At this stage, I may refer to the allegations of the petitioner in **WP(C) No. 51(SH) of 2010**. According to him, as per clause 30 of the Gazette Notification dated 24-11-2008, only 7 marks can be credited to candidates under the head of experience (contractual teachers). However, the following contractual teachers were awarded between 8 and 10 marks:-

“ 5 (b) Amongst the candidates who have been selected for appointment their marks are as follows:-

Serial No.	Name	Experience (Contractual teachers) Marks Obtained
13	Smti. Deimonmi Paswet	8
23	Smti. Queentina Laloo	10
43	Shri. Rocky Shylla	10
59	Smti. Margina Shylla	9
97	Smti. Libianta Suchiang	10
109	Smti.Rita Phawa	10
119	Smti.Barrysa Kya	10
143	Smti.Malbareen Nikhla	10
145	Shri.loosar Lanong	10
147	Smti.Alacretres Syngkon	10

148	Smti.Arunika Dkhar	10
156	Smti.Amwima Shulai	10
175	Smti.Lutmon Nonghuloo	10
192	Smti.Meriki Dkhar	10
196	Smti.lalambait Suchiang	8
199	Smti.Yoohimi Langbang	10
208	Smti.Daplin Tang	10
209	Smti.Daiaki Myrphet	10
213	Smti.Dahunbah Khyriem	10
214	Smti.Doit Siangshai	8
217	Smti.Darisuk Phyrngap	10
218	Smti.Dakarupaia Ryngkhlem	8
225	Smti.Ridalang Suchiang	10
233	Smti.Shirta Law	10
242	Shri.Falingroy Suchiang	10
251	Smti.Doreen Nikhla	8
267	Smti.Nidaka Pale	10
268	Smti.Nital Suna	10
269	Smti.Niwanroy Phawa	10
280	Shri.Pithorn Dhar	10
297	Smti.Yeedatta Tongper	8
300	Smti.Balapoisan Khyriem	8
309	Smti.Phulmi Surong	8
311	Smti.Emeralda Blah	10
316	Shri.Ryum Tyrmea Khonglah	8
323	Shri.Romes Diengdoh	9
326	Smti.Sharlin Wanroy Lamin	10
335	Smti.Sumarbha Dkhar	10
352	Smti.Oliemergency Dhar	8
354	Smti.Heisa Mary Lamare	8
355	Smti.Hakanipaya Laloo Suting	10
356	Smti.Perlycia Dhar	8
358	Smti.Orida Shylla	8
360	Smti.Emonlang Pale	8
367	Smti.Badeitilang Nongpluh	8
371	Shri.Kermiki Pariat	8
374	Shri.Kermi-oo P Hadia	10
385	Shri.Kwahdaioh Dkhar	10
390	Shri.Hermonmi Shylla	10
392	Shri.Hedring Sungoh	9
403	Shri.Bernard Ryngkhlem	10
407	Shri.Genis Suchiang	9
409	Shri.Ngaitlang Sutnga	8
410	Shri.Ephrinton Tang	9
428	Smti.Nibhalang Suchiang	10
431	Smti.Chiruplang Dhar	10
432	Smti.Chidalia Shylla	10
435	Smti.Baiamonlang Shadap	10
439	Smti.Happiness Jones Pyrtuh	8
442	Smti.Thywilldone Dkhar	10
468	Smti.Memcy Maria Phawa	10
471	Smti.Memorial Lathong	10
477	Smti.Sweety Willys Lamare	10
484	Smti.Sumarlang Lakiang	10

492	Shri.Shira E. Siangshai	10
494	Shri.Strong Pillar Tang	10
495	Shri.Reformingson Lamare	8
500	Smti.Ranika Suchiang	8
501	Smti.Ri-i-Maia Lamare	10
502	Smti.Daburom Dkhar	10
515	Shri.Ruhwanre Tang	10
519	Smti.Monica War	10
520	Smti.Dabnalang Suiam	10

30. It is also the case of the petitioner that he was working as teacher on contractual/officiating basis at lalong Mulang Mission Government L.P.School for more than 8 years. In other words, when he appeared in the personal interview on 30-6-2009, he had already served as a teacher on contractual basis for a period of more than eight years, but was allotted only two marks for his teaching experience, whereas the following candidates have been awarded more marks and selected for appointment with lesser experience:

Serial No.	Name	Work experience (Contractual Basis)	Marks Obtained
439	Smti. Happiness Jones Pyrtuh	1 year	8
360	Smti. Emonlang Pale	3 years	8
280	Shri. Pithom Dhar	4½ years	10
300	Smti. Balapoisalan Khyriem	2 years	8
215	Smti. Deintitawan Shylla	2 ½ years	10
225	Smti. Ridalang Suchiang	2 years	10
218	Smti. Dakarupaia Ryngkhlem	1 years	8
168	Smti. Marbaniroy Hadem	1 years	10
269	Smti. Niwanroy Phawa	4 years	10
323	Shri. Romes Diengdoh	1 years	9
452	Smti. Icylanda Lyngdoh	4 years	5
385	Shri. Kwahdaioh Dkhar	4 years	10
442	Smti. Thywilldone Dkhar	1 years	10
367	Smti. Badeitilang Nongpluh	1 years	8
338	Shri. Ebormi Lyngdoh	1 years	7
449	Smti. Ammelia Suchiang	1 years	7
471	Smti. Memorial Lathong	1 years	10
76	Smti. Daffadil Era Laloo	1 years	7
355	Smti. Hakanipaya Laloo Suting	1 years	10
119	Smti. Barrysa Kia	1 years	10
213	Smti. Dahunbha Khyriem	1 years	10
147	Smti. Alacretress Syngkon	1 years	10
267	Smti. Nidaka Pale	1 years	10
208	Smti. Daplin Tang	1 years	10
318	Smti. Refine Sutnga	1 years	10
199	Smti. Yoohimi Langbang	1 years	10
59	Smti. Margina Shylla	1 years	9
477	Smti. Sweety Willys Lamare	1 years	10

43	Shri. Rocky Lyngdoh	1 years	10
460	Shri. laishahslem Siangshai	4 years	9
167	Smti. Manbha Surong	4 years	9

31. It is also pointed out by the petitioner that the following selected candidates, namely, Sumarbha Dkhar, Preacher Sungoh, Ridaka Lamar, Margina Shylla, Dafodil Era Laloo, Dolinda Pohleng, Libianta Suchiang, Rita Phawa, Banysa Kya, Prima Donna Patwet, Loosar Lanong, Srunika Dkhar, Awawima Shullai, among others, who hardly worked as teachers, have all secured marks ranging from 8 and 10 marks for experience. Again, Smt. Farida Kyndai, who was shown to work from April, 2005, was given only 3 marks, but Valentina Deigratia Chullai, who was working only from 25-9-2008, was awarded 6 marks for experience. Similarly, Smt. Chika Sadap, who did not have any experience, was awarded 6 marks, whereas Smt. Niewbiang Ting, who had teaching experience w.e.f. 19-5-2005, got the same mark. It is interesting to note the reply of the respondent authorities, which is found at paragraph 10 of the affidavit-in-opposition, which reads thus:

“10. That in reply to the statement made in paragraph 6 of the writ petition I beg to state that the petitioner may have served for a period of 4 years and 8 months, however, I beg to state that the petitioner may have served for seven years but there were also other candidates who have served and did not qualify in the test. The marks allotted under column for experience is a combination of both experience and practice teaching for which a maximum of 10 marks was allotted. The idea behind keeping this combination is that those who have experience are supposed to be good in practice teaching and expected to do well and secure high marks.

There were also other category of candidates who had passed B.Ed., D.Ed., BTC trained who did equally well along with those experience teacher, hence it cannot be denied that those who secured high marks with less number of experience are not deserving to be allotted with that marks. All marks allotted by the Committee are entirely based on the performance of the candidates as well as Certificates produced by them at the time of interview.

It may also be noted that the Committee have allotted marks to all the candidates within the prescribed 50.”

32. I am constrained to observe that the respondents are conveniently fudging the principal issue raised by the petitioner, namely, the manner in which marks have been unduly awarded to the above-named candidates, who did not have

any teaching experience or had little teaching experience, contrary to the rules of procedure framed by them. In **W.P.(C) No. 52(SH) of 2010**, the case of the petitioner is that he passed Class XII(Science) in the 2nd Division in the year 2002, has cleared the SET in January, 2008 and had been working as officiating teacher of a Government Sr. Basic UP School on contractual basis since 28-7-2005. He applied for the post of Assistant Teacher under Jowai (Sadar) Sub-Division. However, he was not awarded any mark under the head of experience even though the selected candidates already referred to in the foregoing, who had teaching experiences for the period ranging from 1 to 4 years were awarded 10 marks in most of the cases, 5 marks in one case and the rest were awarded 7, 8 and 9 marks. He also points out that those candidates in the waiting list have curiously been awarded a total of 39 marks. The rest of his case is as in **WP(C) No. 51(SH) of 2010**, which, for the sake of brevity, need not be reproduced. The contents of the affidavit-in-opposition of the respondent authorities are also one and the same and may not be separately adverted to. In **WP(C) No. 88(SH) of 2010**, the case of the petitioner is also more or less the same. According to her, she passed HSSLC Examination in the year 2005, completed Junior Teachers' Training Certificate Examination in 2006, passed the SET in 2007 and has been serving as teacher on contractual basis at Seinraij Ummulong LP School since 2002. However, she was awarded only 7 marks on this count even though the selected candidates already named in the foregoing paragraphs, who have far less teaching experience than her, were awarded 10 marks in majority of the cases, 9 marks in three cases and 8 and 7 marks in 8 cases without any rhyme or reason.

33. It is also reiterated by the petitioner that two of the selected candidates, namely, Smt. Dabnalang Suiam and Smt. Monica War, whose names did not appear in the list of applicants, have been selected for the appointments. The reply to these allegations by the respondent authorities in their affidavit-in-opposition is not inspiring: it is an exercise in verbosity meaning nothing. In the

case of Monica War and Dabnalang Suiam, they admit that they were not listed for not having passed SET, but were subsequently allowed to appear on the last date of the interview on their representation to the Education Department. How could they be allowed to participate at the fag end of the interview when their applications had earlier been rejected? This then takes me to **W.P.(C) No. 408 of 2010**, which is filed by ten petitioners. Their case is that all of them passed the State Eligibility Test (SET). The petitioner No. 7 was not awarded any mark on her teaching experience and qualification as a graduate in second class. The petitioner No. 4 was given only 4 marks for her teaching experience of 15 years. Likewise, the petitioner No. 1 was awarded only 1 mark for his teaching experience even though he had taught in 2 different schools since the year 2004 and later on in Govt. LP School. Similarly, in the case of petitioner No. 2, she was allotted only 2 marks for her teaching experience of 10 years. As for the petitioner No. 9, no marks were awarded to her for qualification as a post graduate in Sociology in Second Class from NEHU.

34. The allegations of the petitioner in **WP(C) No. 267(SH) of 2010** are no different from those in **WP(C) No. 106(SH) of 2010**., and will be governed by my decision in the latter case. So are the allegations of the petitioner in **WP(C) No. 50(SH) of 2010**, which will also be governed by my decision therein. In **WP(C) No. 15(SH) of 2010**, the petitioner passed SET and is otherwise qualified in all other respects, had a teaching experience initially as substitute teacher in 1999, was thereafter appointed as teacher of Nalnapara Govt. LP School on 1-4-2005, which was extended from time to time till date. His grievance is that the private respondent who did not even clear the State Eligibility Test and without having any teaching experience was selected contrary to the prescribed rules notified on 24-11-2008. The affidavit-in-opposition of the respondent authorities is as in the foregoing cases, and need not be reproduced for the sake of brevity. In **WP(C) No. 182(SH) of 2010**, there are 18 petitioners and 52 private respondents, who

did not contest the writ petition despite proper service of notices upon them. The petitioners are questioning the propriety of the selection of candidates for Assistant Teachers of LP Schools under Amlarem Civil Sub-Division, Jaintia Hills District. According to the petitioners, a number of irregularities and illegalities have been committed selecting the private respondents by manipulating their marks, the details whereof are given in Paper Mark-‘A’ annexed to the writ petition. For example, Smt. N. Kongwang, who did not pass SET or BTC or DIET or B.Ed. was not eligible to apply for the post, but was selected. Besides, she was given 10 marks when she passed BA examination only in 3rd Division. Similarly, in the case of Smt. R. Gashnga, she is a graduate in Arts with simple pass, but did not clear SET or BTC or DIET or B.Ed. examinations and was, therefore, ineligible to apply for the post. But she was awarded 8 marks for BTC/DIET, another 9 marks for a teaching experience of 5 years and yet another 19 marks under the head of micro-teaching ability. Again, in the case of Smt. M. Rasmus, she had a teaching experience of hardly 2 years, but was awarded 10 marks under the head of “Experience” and another 17 marks for practical teaching without any rhyme or reason. Likewise, Smt. S. Lyngdoh (Speciality Lyngdoh), she is not eligible to apply for the post, inasmuch as she is a simple pass BA and without clearing SET or BTC or DIET or B.Ed. She was awarded 10 marks for (not?) clearing SET and another 19 marks for practical teaching when she only have a teaching experience of 4 years, for which she was also awarded 4 marks. So is the case of Shri Harkin Suting, who did not clear SET or BTC/DIET or B.ED examinations and did not also have any teaching experience, he was awarded 10 marks for teaching experience and 17 marks for practical teaching without any apparent basis. This is just a tip of an iceberg. There is considerable force in the case of the petitioners that there have been manipulations and gross irregularities in the entire selection process. These allegations made in Paper Mark ‘A’ have remained unchallenged or not denied or otherwise not satisfactorily explained by the respondent authorities in their

affidavit-in-opposition. Besides, a number of selected candidates are apparently overage, yet they were selected for the appointments and in fact have now been appointed without relaxing their age. Though this Court has no machinery to investigate manipulations/fraud of this magnitude, yet it is quite satisfied that a strong prima facie cases have been clearly made out by the petitioners in all the writ petitions.

35. As observed by the Apex Court in ***Tata Cellular v. Union of India, (1994) 6 SCC 651***, judicial quest in administrative matters has been to find the right balance between the administrative discretion to decide matters whether contractual or political in nature or issues of social policy; thus they are not essentially justiciable and the need to remedy any unfairness. Such an unfairness is set right by judicial review. Observance of judicial restraint is currently the mood in England. The judicial power is exercised to rein in any unbridled executive functioning. The restraint has two contemporary manifestations. One is the ambit of judicial intervention; the other covers the scope of the court's ability to quash an administrative decision on its merits. These restraints bear the hallmark of judicial control over administrative action. Judicial review is concerned with reviewing not the merits of the decision in support of which the application for judicial review is made, but the decision-making process itself. It is different from an appeal. When hearing an appeal, the Court is concerned with the merits of the decision under appeal. Judicial review is made effective by the court by quashing the administrative decision without substituting its own decision, and is to be contrasted with an appeal where the appellate tribunal substitutes its own decision on the merits for that of the administrative officer. This is what the Apex Court said in ***Tata Cellular (supra)***: (SCC p. 677-8, para 77)

"77. The duty of the court is to confine itself to the question of legality. Its concern should be:

1. *Whether a decision-making authority exceeded its powers?*
2. *Committed an error of law,*
3. *Committed a breach of the rules of natural justice,*

4. reached a decision which no reasonable tribunal would have reached or,

5. Abused its powers.

Therefore, it is not for the court to determine whether a particular policy or particular decision taken in fulfilment of that policy is fair. It is only concerned with the manner in which those decisions have been taken. The extent of the duty to act fairly will vary from case to case. Shortly put, the grounds upon which an administrative action is subject to control by judicial review can be classified as under:

(i) *Illegality: This means the decision-maker must understand correctly the law that regulates his decision-making power and must give effect to it.*

(ii) *Irrationality, namely, Wednesbury unreasonableness.*

(iii) *Procedural impropriety.*

The above are only the broad grounds but it does not rule out addition of further grounds in course of time. As a matter of fact, in **R. v. Secretary of State for the Home Department, ex Brind**, Lord Diplock refers specifically to one development, namely, the possible recognition of the principle of proportionality. In all these cases the test to be adopted is that the court should, "consider whether something has gone wrong of a nature and degree which requires its intervention."

(Underlined for emphasis)

36. In my opinion, as there are strong prima facie evidence of massive irregularities, arbitrariness and manipulations, it can be said with a high degree of certainty that something has gone wrong of a nature and degree which requires the intervention of this Court. In a case of this nature, this Court cannot fold its hand and shut the door of this Court to leave the petitioners to fend for themselves: they cannot do so for obvious reasons. Such a course of action will result in perpetuation of injustice and gross irregularities. Such a course of action will render this Court impotent in the eye of the public. Such course of action will erode the confidence of the public in the superior courts, which has been established to rein the arbitrary exercise of powers exercised by the executive authorities. In other words, the very existence of the judicial system will be called into question if the petitioners are told off at the gate when serious allegations, which appear to have a ring of truth, have been made against the selection proceeding of the Selection Board. Numerous undeserving and unmeritorious candidates have been selected and eventually given appointments. Conversely, many meritorious and deserving candidates like some of the writ petitioners herein appear to have been arbitrarily deprived of their right to appointments to the posts of Assistant Teachers. It is, however, contended by Mr. K.S. Kynjing,

the learned Advocate General, that most of the writ petitions suffer from defect of parties inasmuch as necessary parties, namely, the selected candidates who have now been given the appointments, are not impleaded as party respondents and is, therefore, not maintainable. When there is strong prima facie evidence of gross irregularities and illegalities in the conduct of the recruitment process, it is virtually impossible to pick out person who have been unlawfully benefited or wrongfully deprived of their selection, in such cases, it will neither be feasible nor necessary to implead all the selectees. This is the view taken by the Apex Court in ***Union of India O. Chakradhar, (2002) 3 SCC 146***, a case cited by Mr. M.F Qureshi, the learned counsel for the petitioners, and the same is reproduced below:

“8. In our view the nature and extent of illegalities and irregularities committed in conducting a selection will have to be scrutinized in each case so as to come to a conclusion about future course of action to be adopted in the matter. If the mischief played is to widespread and all-pervasive, affecting the result, so as to make it difficult to pick out the person who have been unlawfully benefited or wrongfully deprived of their selection, in such cases it will neither be possible nor necessary to issue individual notices to each selectee. The only way out would be to cancel the whole selection. The only way out would be to cancel the whole selection. Motive behind the irregularities committed also has its relevance.

37. Though the observations extracted above were rendered in the context of illegalities and irregularities already established in the inquiry made by CBI, in my judgment, the underlying principles will be applicable in the present context. The manipulations and mischief played by the Selection Board are apparently widespread and pervasive, and to insist that the petitioners implead all the selectees will amount to taking hyper-technical view of the matter. The established procedures for awarding marks were found to be given a go bye. The alleged gross irregularities and illegalities I have already pointed out earlier, are some of the examples and are just a tip of an iceberg. Under the circumstances, I hold that the failure on the part of the petitioners in some of the writ petitions cannot non-suit them and will not, therefore, result in dismissing the writ petitions on the ground of non-joinder of the selectees. Coming now to the next contention

of the learned counsel for the respondents on the bar of estoppel by conduct, I have gone through the cases cited by them. It must be remembered that there is a bar against filing of Public Interest Litigation in service matters even if gross irregularities and illegalities are found in the selection process. On the other hand, the petitioners had no means of knowing before hand that widespread mischief and irregularities are being committed in the impugned the selection process. They came to suspect that such acts of omissions and commissions have been committed only after they have participated in the selection or when the results of the interviews were announced. Had they known that such mischief and irregularities would be committed in the selection process, they would have been declined to participate in the selection process. But then, could they really challenge the selection process when the irregularities were yet to be committed? Again, could they really file a writ petition to stall the selection process on their mere apprehension that gross mischief or irregularities were being perpetrated in the yet to be conducted interview. In such a situation, if the unsuccessful candidates do not challenge the selection, I wonder who could challenge the selection process. They are prohibited from filing a public interest litigation, more so, when they have personal interests in the matter. A third party or a public-spirited citizen cannot file public interest litigation in service matter either. Are we to simply overlook such widespread allegations of massive manipulations in the conduct of the selection process on technicalities? I will be failing in my equity jurisdiction if I proceed to dismiss the writ petitions on such procedural/technical grounds. In my opinion, once a strong prima facie case of massive irregularities/illegalities and mischief is made out by the petitioners, as is the case here, I have no alternative but to entertain the writ petition. Nevertheless, this Court cannot take upon itself the role of a commission of inquiry – *a knight roaming at will with a view to destroying evil wherever it is found*. That apart, this court has no machinery of its own to probe such presumed mischief and gross irregularities. For this reason, it is not advisable to quash the

entire impugned selection process and the consequential appointments at this stage: such course of action can be resorted to only when the allegations are established in an inquiry. Therefore, the need of the hour is to order a fair and an impartial but effective inquiry into the entire selection processes culminating in the appointments of the selectees under challenge in these writ petitions. This can be realised only if the inquiry is conducted by the Central Criminal Bureau of Investigation, which is heretofore independent of, and immuned from, interference by the State Government. The fact that ordering of such an inquiry by CBI is permissible can be seen from the decisions of the Apex Court in **Krishan Yadav v. State of Haryana, (1994) 4 SCC 165** and **O. Chakradar case (supra)**.

38. The learned Advocate General, however, submits that the course of action suggested by the learned counsel for the petitioners for referring the matter to CBI for inquiry, if accepted, would amount to assuming the role by this Court of a fact-finding commission, and this Court should rather restrict itself to the pleadings of the parties in the writ petitions. He heavily relies on the following observations of the Apex Court in **Sadananda Halo case (supra)** at para 58:

“It is settled law that in such writ petitions a roving inquiry on the factual aspect is not permissible. The High court not only engaged itself into a non-permitted fact finding exercise but also went on to rely on the findings of the amicus curiae, or as the case, the scrutiny team, which in our opinion was inappropriate. While testing the fairness of the selection process wherein thousands of candidates were involved, the High Court should have been slow in relying upon such microscopic findings. It was not for the High Court to place itself into a position of fact-finding commission, that too, more particularly at the instance of those petitioners who were unsuccessful candidates. The High Court should, therefore, have restricted itself to the pleadings in the writ petition and the say of the respondents. Unfortunately, the High Court took it upon itself the task of substituting itself for the Selection Committee and also in the process assumed the role of an appellate tribunal which was, in our opinion, not proper. Thus, the High Court converted this writ petition into a public interest litigation without any justification.”

39. I have read and re-read the foregoing extract, but cannot persuade myself to hold that those observations are applicable to the peculiar facts of the instant cases. Firstly, the petitioners have specifically pleaded the details of the manipulations in the compilation sheets made by the Selection Board as given in Paper Mark – ‘A’ (Annexure-VIII to the writ petition in WP(C) No. 182(SH) of 2010, Paper Mark – A and ‘B’ of the writ petition in WP(C) No. 267(SH) of 2010, Paper Mark-‘A’, Paper Mark-‘B’ and Paper Mark-‘C’ of the writ petition in WP(C) No. 106(SH) of 2010, so and so forth. These specific pleadings were conveniently overlooked by the respondent authorities in their affidavits-in-opposition. True, those allegations by themselves may not be enough to quash the impugned selection processes, but are certainly sufficient to raise presumptive evidence of manipulations and mischiefs in the recruitment processes warranting the inquiry being ordered by me. Moreover, the original compilation sheets produced by the respondent authorities substantially corroborate the allegations of the petitioners. Before parting, I wish to remind the respondent authorities the following observations of the Apex Court in **Krishen Yadav case** (*supra*):

“19. It is highly regrettable that the holders of public offices both big and small have forgotten that the offices entrusted to them are sacred trusts. Such offices are meant for use and not abuse. From a Minister to a menial everyone has been dishonest to gain undue advantages. The whole examination and the interview have turned out to be farcical exhibiting base character of those who have been responsible for this sordid episode. It shocks our conscience to come across such a systematic fraud. It is somewhat surprising the High court should have taken the path of least resistance stating, in view of the destruction of records, that it was helpless. It should have helped itself. Law is not that powerless.”

40. For what has been stated in the foregoing, all the writ petitions are allowed. The CBI is, therefore, directed to inquire into the allegations of the petitioners in Paper Mark-‘A’, Paper Mark-‘B’ and Paper Mark-‘C’ annexed to WP(C) No. 106(SH) of 2010, the allegations made in paragraphs 8 and 9 of the

writ petition in WP(C) No. 88(SH) of 2010, the allegations in paragraphs No. 5 and 9 of the writ petition in WP(C) No. 52(SH) of 2010, the allegations made in paragraphs No. 13 and 16 of the writ petition in WP(C) No. 408(SH) of 2010, the allegations made in paragraphs No. 5,6 and 7 of the writ petition in WP(C) No. 51(SH) of 2010, the allegations made in paragraphs No. 15 and 16 of the writ petition in WP(C) No. 15(SH) 2010, the allegations made in Paper Mark-‘A’, Paper Mark-‘B’ and Paper Mark-‘C’ of the writ petition in WP(C) No. 267(SH) of 2010, the allegations made in paragraphs No. 5,6 and 7 of the writ petition in WP(C) No. 50(SH) 2010 and the allegations made in Paper Mark-‘A’ and page 86 of the writ petition in WP(C) No. 182(SH) of 2010 as expeditiously as possible and submit the inquiry report within a period of three months from the date of receipt of this judgment. The original files relating to the DPC proceedings bearing No. DEME-2/Per/2009 (Amlarem), No. DEME-8A/Per/2009 (Jowai), No. DEME-1/Per/2009/1 (Shillong), No. DEME/GA/8/Appt/2008 (Jowai), No. DEME/GA/Appt/7/2008 (Dedengre) and No. DEME-3/Per/2009 (Tura) shall be kept by the Registry under sealed cover and shall be handed over to the CBI as and when required after duly obtaining their acknowledgment thereof. On the basis of the inquiry report so submitted, the respondent authorities shall take necessary and consequential actions on the basis of the inquiry report submitted by the CBI including cancellation of the entire selection processes and the appointments already made in connection therewith and re-starting of the recruitment process to fill up the posts in question within a period of two months thereafter. If the petitioners are still aggrieved by the decision of the State-respondents, they are at liberty to approach this Court again for further and appropriate orders. The parties are, however, directed to bear their respective costs. Communicate this order to the Superintendent of Police, CBI, Shillong for

necessary compliance. It is expected that the State-respondents extend cooperation to the CBI for smooth and effective inquiry into the matters.

JUDGE

LAM