

THE HIGH COURT OF MEGHALAYA AT SHILLONG.

WP(C) No. 4 of 2015

1. Shri Triberth B. Sangma,
S/o Shri Istone D. Sangma,
R/o Mongmasiram,
P.S. Mendipathar,
District North Garo Hills.
2. Shri Rakchin K. Momin,
S/o Starson D. Marak,
R/o Roa Dokgre,
P.O. Mendipathar,
P.S. Mendipathar,
District North Garo Hills.
3. Shri Jang Momin,
S/o (L) Thaneswar Shira,
R/o & P/O. Nishangram, Babupara,
P.S. Mendipathar,
District North Garo Hills.
4. Shri Riksrang K. Marak,
S/o Jan Momin,
R/O & P/o. Resubelpara
P.S. Mendipathar,
District North Garo Hills.
5. Shri Npenjo Rabha,
S/o Shri Garbeng Rabha,
R/O & P/O Resubelpara
P.S. Mendipathar,
District North Garo Hills,
Meghalaya

..... **Petitioners**

-Versus-

1. State of Meghalaya represented by the Chief
Secretary to the Govt. of Meghalaya,
Shillong.
2. The Principal Secretary to the Government of
Meghalaya, Personnel and Administrative
Reforms (B) Department, Meghalaya,
Shillong
3. The Chairman, District Selection Committee,
North Garo Hills District, Resubelpara.
4. The Member Secretary,
District Selection Committee,
North Garo Hills District, Resubelpara.

- Respondents**

BEFORE

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JUDGMENT AND ORDER (ORAL)

Heard Mr. A.H. Hazarika, learned counsel appearing for the petitioners as well as Mr. R. Gurung, learned GA appearing for the respondents.

2. The prayer sought for in the present writ petition is for a direction to the respondents to consider the case of the petitioners for appointment against the vacant posts of drivers. The case of the petitioners in the present writ petition is briefly noted.

3. The Member Secretary, District Selection Committee, Resubelpara, North Garo Hills issued an advertisement dated 26.04.2013 for appointment to different posts including six posts of drivers. Accordingly, the petitioners and others applied for the posts of driver by enclosing all the school certificates alongwith other necessary documents. It is also stated that the petitioners are educationally and professionally duly qualified for the posts of driver. The District Selection Committee conducted an interview for the posts of driver on 27.06.2013. The result of the Selection was published on 12.07.2013; under the said Selection result seventeen candidates in order of merit were recommended for the posts of driver. The names of the petitioners appeared at serial Nos. 13-17 respectively.

4. It is the further case of the parties that out of the said seventeen recommended candidates, twelve candidates whose names appeared at serial Nos. 1-12 had already been appointed as drivers on regular basis. It is also stated that the validity of the said list of the selected candidates in which the names of the petitioners appeared at serial No. 13-17 had been extended for a period of six months with effect from 12.07.2014 to 11.01.2015 vide letter under Memo No. PER(AR) 45/2012/34 dated 18.11.2014 issued by the Under Secretary, Government of Meghalaya, Personnel & Administrative Reforms (B) Department, Meghalaya, Shillong (Annexure-VI to the writ petition) which is reproduced herein as under:

**“GOVERNMENT OF MEGHALAYA
PERSONNEL AND ADMV. REFORMS (B) DEPARTMENT**

No. PER (AR) 45/2012/34 Dated Shillong the 18th November, 2014

From : *Smti B. Rymmai,
Under Secretary to the Govt. of Meghalaya,
Personnel & AR (B) Department.*

To,
*The Deputy Commissioner & Chairman,
District Selection Committee,
North Garo Hills District, Resubelpara*

Subject : *Revalidation of the merit list for the post of Driver.*

Reference : *L.No. NGHD/DSC/Result/10/2013/44, dt. 14.10.2014.*

Sir,

With reference to your letter on the subject cited above, I am directed to say that the validity of merit list for the post of Driver is extended for a period of 6(six) months w.e.f. 12.07.2014 to 11.01.2015 and this will be the last extension.

A copy of the Supreme Court Order No. PER(AR) 17/2012/27 dt. 18.07.2012 is enclosed herewith for information and necessary action.

This has the approval of the Competent Authority.

Yours faithfully,

Sd/-

*Under Secretary to the Govt. of Meghalaya,
Personnel & Admv. Reforms (B) Department”.*

5. It is also stated in the writ petition that there are vacancies which had arisen during the life span of the said Select List. The respondents No. 3 and 4 had filed their affidavits-in-opposition wherein, it is stated that the Member Secretary, District Selection Committee had not been informed all the vacancies in the post of drivers. The petitioners filed their rejoinder affidavits, wherein it is stated that under letter No. NGH/EE(WR) /Estt-3/2015-16/23 dated Mendipathar 11.05.2015 of the Executive Engineer (WR), North Garo Hills Division, Resubelpara informed the Member Secretary, District Selection Committee, North Garo Hills District, Resubelpara, that there is one vacant post of driver and another letter from the Divisional Officer, North Garo Hills, Soil & Water Conservation Division, Resubelpara being No. NGH/S&WC/ESTT/DSC/2014-15/588 Dated Resubelpara, the 10.03.2015

indicated that there are two vacancies i.e. one for the post of Tractor Driver and another for the post of Tractor Handyman. For easy reference the said letters dated 11.05.2015 and 10.03.2015 (Annexure 1 & 2) respectively are quoted herein below:

“GOVERNMENT OF MEGHALAYA
OFFICE OF THE EXECUTIVE ENGINEER (WR):NORTH GARO HILLS
DIVISION
RESUBELPARA

No.NGH/EE(WR)/Estt-3/2015-16/23 Dated Mendipathar the 11th May ‘15

From : Shri N. Kharjana,
Executive Engineer (WR),
North Garo Hills Division,
Resulbelpara.

To : The Member Secretary,
District Selection Committee,
North Garo Hills District,
Resulbelpara.

Sub : Information on vacancy for different posts.

Ref : No. NGHD/DSC/VP/4/2013/212 Dated 24.11.2014

Sir,
With reference to the subject and letter No. quoted above, I have the honour to furnish the availability of vacant post under the establishment of the undersigned as shown below for favour of your further necessary action.

Sl. No.	Name of vacant post.	No. of vacant post.
1.	Driver	1 (one) No.

Yours faithfully,
Sd/-
Executive Engineer (WR)
North Garo Hills Division,
Resubelpara”.

“GOVERNMENT OF MEGHALAYA
OFFICE OF THE DIVISIONAL OFFICER::NORTH GARO HILLS SOIL AND
WATER CONSERVATION DIVISION::RESUBELPARA

No. NGH/S7WC/ESTT/DSC/2014-15/588 Dated Resubelpara, the 10/03/15

From,

The Divisional Officer,
North Garo Hills Soil & Water Conservation
Division, Resubelpara.

To,

The Member Secretary,
District Selection Committee,
North Garo Hills, Resubelpara.

Sub : No. NGHD/DSC/4/2013/212 DT 24-11-2014

Sir,

With reference to the subject and letter cited above, I have
the honour to submit herewith the information on vacancy for different post as
shown below.

Sl. No.	Name of Post	Qualification	No of Post	Scale of Pay
1	Soil & Water Conservation Field Worker	H.S.L.C passed	4 (four) Nos	Rs. 7100-180- 8360-EB-230- 10,430-310- 13,840/- pm
2	Tractor Driver	Under Matric	1 (one) No	Rs. 9,200-230- 10,810-EB- 300-13,510- 410-18,020/- pm
3	Tractor Handyman	Under Matric	1 (one) No	Rs. 6500-160- 7620-EB-210- 9510-290- 12,700/- pm

This is for favour of your kind information and necessary
action.

Yours faithfully,
Sd/-
(M.Ch. Momin)
Division Officer,
North Garo Hills Soil & Water Conservation
Division, Resubelpara”.

6. It is fairly settled that the selected candidates have no vested right
to be appointed. However, it is also fairly settled that the selected candidates
cannot be denied appointment without any justification. In the above factual
backdrop this writ petition is disposed of by directing the respondents
concerned to consider the case of the petitioners who are the selected

candidates for appointment to any vacancy in the post of driver which had arisen during the life span of the Select List. It is made clear that the whole exercise is to be completed within a period of three months from the date of receipt of the certified copy of this judgment and order.

7. Writ Petition is allowed to the extent indicated above.

JUDGE

D. Nary