

**: ORDER :**

Shri Salgring Ch Marak ..... Applicant  
-Versus-  
State of Meghalaya and others ..... Respondents

Shri Salgring Ch Marak ..... Applicant

-Versus-

State of Meghalaya and others ..... Respondents

Shri Fenlevy N Sangma ..... Applicant  
-Versus-  
State of Meghalaya and others ..... Respondents

Shri Fenlevy N Sangma ..... Applicant

-Versus-

State of Meghalaya and others ..... Respondents

## PRESENT

**HON'BLE SHRI JUSTICE DINESH MAHESHWARI, CHIEF JUSTICE**  
**HON'BLE SHRI JUSTICE S.R. SEN**

**BY THE COURT:** (per Hon'ble the Chief Justice) (Oral)

These four applications seeking condonation of delay in filing the respective appeals, being related to the same subject-matter, have been considered together and are taken up for disposal by this common order.

By way of similar nature intra-court appeal, the applicants herein seek to question the order dated 27.08.2015 as passed by the learned Single Judge of this Court in a batch of petitions led by WP (C) No.41 of 2014 whereby, the learned Single Judge has dismissed the writ

petitions as being squarely covered by the earlier common order dated 01.06.2015 passed in another batch of petitions led by WP (C) No.30 of 2014.

It is noticed that similar nature applications made in relation to similar appeals against the aforesaid common order dated 01.06.2015 were considered and rejected by the Division Bench of this Court on 25.05.2016 while finding that the applicants were the fence-sitters, who had not taken up the litigation at the appropriate time when the other petitions were decided by this Court; and reasons and explanations as suggested were not making out sufficient cause for condonation of delay.

Though the present appeals are also barred by limitation for the period ranging from 191 days to 281 days and ordinarily, the aforesaid order dated 25.05.2016 would have been decisive for these applications too but then, there had been a subsequent event since after passing of the aforesaid order dated 25.05.2016 by this Court wherefor, the entire complexion stands altered. Indisputably, in relation to the basic subject-matter of the petitions that were decided by the impugned order dated 27.08.2015, i.e., the process of selection to the post of Assistant teachers in the Government L.P. School, the matter was examined by the Hon'ble Supreme Court in Civil Appeal No.4565 of 2017; and while disposing of the said appeal by the order dated 24.03.2017, the Hon'ble Supreme Court has remanded the matter for consideration afresh by this Court; and such revived matters led by WA No.52 of 2011 are on board for consideration afresh.

Some of the other writ petitions that were earlier kept in abeyance while awaiting decision of the Hon'ble Supreme Court have

also been placed on board for consideration along with WA No.52 of 2011.

In the totality of circumstances of the case, even when the delay in these matter appear to be a bit excessive and earlier, similar nature applications for condonation of delay were rejected by this Court on 25.05.2016 but, in view of the subsequent events where the Hon'ble Supreme Court has remanded the matter for consideration afresh and such cognate matters are being considered by this Court, it appears just and proper as also in the interest of justice that while condoning the delay, these appeals be also examined on merits.

We would, however, hasten to observe that one of the basic objections against the present applicants had been that they remained fence-sitters and did not approach the Court within reasonable time. These aspects of delay and laches, so far these applicants are concerned, would remain open for examination.

With the observations foregoing, the delay in filing these appeals is condoned. The appeals are taken on the regular side; to be registered and placed for hearing along with WA No.52 of 2011.

MC (WA) No.40 of 2016, MC (WA) No.41 of 2016, MC (WA) No.42 of 2016 and MC (WA) No.43 of 2016 stand disposed of.

**JUDGE**

**CHIEF JUSTICE**

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Item No.4 to 7