

# THE HIGH COURT OF MEGHALAYA AT SHILLONG.

WP(C) No. 310 of 2016

Shri Raju Koch,  
Son of Shri Songkor Koch,  
Village Sonkorpara,  
P.O. Haldibari  
P.S. Tura,  
District – West Garo Hills District,  
Meghalaya.

... Petitioner

**- Versus -**

1. The State of Meghalaya,  
Represented by the Secretary to the  
Government of Meghalaya,  
Education Department.
2. The Director of School Education  
and Literacy, Shillong.
3. The District School Education  
Officer, West Garo Hills District.
4. The Sub-Divisional School Education  
Officer, Dadenggre, West Garo Hills,  
Tura.
5. Shri Bitom Kr Hajong,  
Son of Binod Hajong,  
Village Dipkaigaon,  
P.O. Gatsingbajar, West Garo Hills,  
Tura.

... Respondents.

**BEFORE**

**THE HON'BLE MR JUSTICE SR SEN**

For the Petitioner : Ms. Tenzing Yangkyi, Adv.

For the Respondents : Mr. S. Sen Gupta, Addl. Sr. GA.

Date of hearing : **26.07.2017**

Date of Judgment & Order : **26.07.2017**

### JUDGMENT AND ORDER (ORAL)

Heard Ms. Tenzing Yangkyi, learned counsel for the petitioner as well as Mr. S. Sen Gupta, learned Addl. Sr. GA for the State.

2. The brief fact of the petitioner's case in a nutshell is that:

*"The Petitioner was appointed as the Assistant Teacher of the Nishinipara Government L.P. School, West Garo Hills, Tura by the Sub-Divisional Education Officer, Dadenggre and duly approved by the Deputy Director of School, Education and Literacy, Meghalaya, Shillong for a period of 59(Fifty nine) days w.e.f. the 4<sup>th</sup> day of March 2016, in place of a retired teacher Dhanu Ram Koch and thereafter the Petitioner's service was extended twice for a further period of 59 (Fifty nine) days i.e. from 03.05.2016 to 30.6.2016 and then again from the 02.07.2016 to 30.8.2016. Before the expiry of his last tenure the petitioner had filed an application to the Respondent No. 4 for the extension of his service but was assured that the said post would be advertised as per the provisions of Law and the Petitioner would be considered for the post but to his utter surprise and shock the Respondent No. 4 illegally appointed the Respondent No. 5 in the place of the petitioner without advertising the said post and in the absence of the School's Managing Committee, the term of which expired on 19.06.2015.*

*Hence this Petition."*

3. The learned counsel for the petitioner submits that the petitioner was appointed on adhoc basis for the post of Assistant Teacher at Nishinipara Government L.P. School, West Garo Hills, Tura by the Sub-Divisional Education Officer, Dadenggre and duly approved by the Deputy Director of School Education and Literacy, Meghalaya, Shillong for a period of 162 (one hundred sixty two) days altogether and thereafter, they appointed the Respondent No. 5 also as adhoc Teacher.

The learned counsel further submits that a direction may be issued to the respondents to call for an interview as per the rule, allowing the petitioner to participate and thereafter to select as per the merit.

4. On the other hand the learned State counsel submits that, since education scam is still pending, such directions may not be wise. I do not agree with the submission advanced by the learned State counsel. However, I direct the respondent No. 2/Director of School Education and Literacy, Shillong to advertise the post and to allow the petitioner to participate in the examination/interview condoning his age if he has crossed the age limit and to select a candidate purely on the basis of merit. I also cautioned the authority concerned that the examination/interview should be fair and transparent. The whole exercise to be completed within 2(two) months from the date of receipt of this judgment and order.

5. With this observation and direction the instant writ petition is allowed and stands disposed of.

**JUDGE**

*D. Nary*