

THE HIGH COURT OF MEGHALAYA

WA. No. 2 of 2017

Shri. Bester N.Marak
S/o Willingson D.Sangma,
R/o Upper Bajengdoba,
P/o & P.S. Bajengdoba,
North Garo Hills District,
Meghalaya.

...Appellant

-Versus-

1. The State of Meghalaya represented by
The Chief Secretary, to the Government of
Meghalaya, Shillong.
2. The Principal Secretary to the
Government of Meghalaya, Soil and
Water Conservation Department,
Meghalaya, Shillong.
3. The Deputy Commissioner cum
Chairman District Selection Committee,
North Garo Hills District, Meghalaya.
4. The Director of Soil and Water
Conservation Department,
Meghalaya, Shillong.
5. The Divisional Soil and Water
Conservation Department,
North Garo Hills District, Meghalaya.

....Respondents

BEFORE
THE HON'BLE MR. JUSTICE S.R.SEN
THE HON'BLE MR JUSTICE V.P.VAISH

For the petitioner	:	Mr. P.T.Sangma, Adv.
For the respondents	:	Mr. H.Kharmih, GA
Date of hearing	:	26.07.2017
Date of Judgment	:	26.07.2017

JUDGMENT AND ORDER (ORAL)

Hon'ble Mr. Justice S.R.Sen, J

Heard Mr. P.T.Sangma, learned counsel on behalf of the petitioner as well as Mr. H.Kharmih, learned State counsel on behalf of the respondents.

2. This instant appeal arises out of the judgment and order dated 09.02.2017 passed by the learned Single Judge, in WP(C) No. 382/2016. The brief facts of the case is that:

“That the appellant in pursuance to the advertisement, vide advertise Memo. No. NGH/RS/ ADVT-24/ 2012/ 25 dated 01.12.2014 the humble appellant has submitted an application in the standard form and participated and appeared the written test as well as the personal interview conducted by the District Selection Committee, North Garo Hills, on 21.05.2015 and the appellant was selected as a successful candidate for appointment to the vacant post of Demonstrator in the Office of the Soil and Water Conservation, North Garo Hills District, Meghalaya, but surprisingly despite of the availability of the vacant post the District Selection Committee of North Garo Hills District have not appointed the appellant to the said vacant post that is lying unfilled till date. The appellant also stated that he has approached the state respondent for appointment to the vacant post of Demonstrator as per the notice dated 22.05.2016 but the state respondent has ignored the matter and failed to appoint the appellant to the said vacant post and being aggrieved by the actions of the Respondents, the present appellant has filed the Writ Petition which was registered as WP(C) No. 382 of 2016 but the learned Single Judge in its order dated 09.02.2017 has dismissed the said Writ Petition without going to the merit of the case and discussing the facts of the case therefore, the present appellant is filing the instant Writ Appeal for the intervention of this Hon'ble Court and also to redress his grievances and for the interest of justice.”

3. Learned counsel for the appellant contended that petitioner appeared in the examination and secured 5th position

so he was kept in waiting list but as far as his information goes, there were 5(five) posts available so the petitioner may be accommodated to the vacant post which was not advertised.

4. In reply, however the learned State counsel submits that only 4(four) posts were advertised.

5. We have carefully perused the advertisement dated 01.12.2014 which is Annexure-I (P-32) of the writ appeal wherein it is clearly mentioned that only 4(four) Nos. of post were advertised. The Court has no power to direct the Government or any other authority to create post or advertise post. In our humble understanding when 4(four) Nos. of post was advertised and the same were filled up by successful candidates, the advertisement dated 01.12.2014 stood exhausted and as such there remains nothing left to be addressed. Therefore, we do not find anything wrong with the impugned judgment passed by the learned Single Judge nor is there any scope for interference. Hence this writ appeal is hereby dismissed and stands disposed of.

JUDGE

JUDGE

S.Rynjah