

# THE HIGH COURT OF MEGHALAYA

## WP(C). No. 96 of 2017

Shri. Prantush Sarkar,  
S/o Shri. Pintu Sarkar,  
R/o Dharambasti, Bohlaganj,  
East Khasi Hills District,  
Meghalaya.

... **Petitioner**

### **-Versus-**

1. State of Meghalaya, represented by  
its Commissioner & Secretary Home,  
Shillong.
2. The Deputy Commissioner,  
East Khasi Hills District, Shillong,  
Meghalaya.
3. Smti. I.Majaw,  
Additional Deputy Commissioner,  
East Khasi Hills District, Shillong,  
Meghalaya.

....**Respondents**

### **BEFORE THE HON'BLE MR JUSTICE S.R.SEN**

For the petitioner	:	Mr. B.Deb, Adv.
For the respondents	:	Mrs. S.Bhattacharjee, GA
Date of hearing	:	30.06.2017
Date of Judgment	:	30 .06.2017

### **JUDGMENT AND ORDER (ORAL)**

Heard Mr. B.Deb, learned counsel for the petitioner as well  
as Mrs. S.Bhattacharjee, learned State counsel on behalf of the  
respondents.

2. The petitioner's case in a nutshell is that:

*"The petitioner is a student of B.Sc  
studying at St. Anthony's College, Shillong and*

*has applied for the post of Senior Secondary Recruits (SSR), Indian Navy. However, the appointment for such post is subjected to the submission of a domicile certificate issued by the competent authority and accordingly on 20.06.2016 along with all the mandatory documents the petitioner had submitted an application to the respondents in the prescribed form. But the process of issuance of the said domicile certificate is not complete probably the best reasons known to the Respondents.*

*Due to the unresponsive and insensitive approach of the respondents, the petitioner had preferred representations before the respondents praying to expedite the process of issuance of the said domicile certificate in favour of the petitioner. But on 12.04.2017 the petitioner was shocked and distressed when the petitioner had attended the Office of the Respondent No. 3, who started to abuse and humiliate the petitioner and also slammed the petitioner with a letter dated 11.04.2017 wherein besides other documents the petitioner was directed to submit the Birth certificate from the competent Authority.*

*The petitioner had informed the Respondent No. 3 that all the mandatory documents has already been submitted except the birth certificate which is not mandatory but it is an optional as per the related rules. The issuance of the letter dated 11.04.2017 by the Respondent No. 3 is a glaring case of intentionally and deliberately impugning the judgment and order dated 05.12.2016 passed in Writ Petition No. 203 of 2016 wherein the Respondent No. 3 was also a necessary party and as such this Hon'ble Court may kindly take cognizance of high handedness of the Respondents and issue a writ of mandamus directing the respondents to comply with judgment and order dated 05.12.2016 and also to issue the domicile certificate in favour of your humble petitioner. Hence this petition."*

3. Learned counsel for the petitioner submits that the petitioner had applied for a domicile certificate from the office of the Deputy Commissioner, East Khasi Hills District, Shillong, but the same was not issued on the ground that he did not bring his birth certificate. Petitioner counsel also submits that his date

of birth has not been registered and has now taken steps to register his birth certificate. He further argued that for granting domicile certificate, birth certificate is not necessary and even the Matric certificate would be enough and prayed that necessary direction may be passed.

4. On the other hand, learned State counsel for the respondents submits that it is not that the government is not willing to issue the domicile certificate but petitioner was asked to go to the office of the Deputy Commissioner/Addl. Deputy Commissioner, East Khasi Hills District, Shillong along with his original documents for verification but the petitioner did not turn up.

5. After hearing the submissions advanced by the learned counsels for the parties, it is hereby ordered that the petitioner is to place all his original documents whatever is available especially where the date of birth is mentioned before the Addl. Deputy Commissioner within a week from the date of this order. Addl. Deputy Commissioner is also directed not to harass the petitioner unnecessarily and to comply with the judgment and order passed by this Court in WP(C) No. 203/2016, dated 05.12.2016.

6. With this observation and direction, this instant petition is allowed to that extent and stands disposed of.

**JUDGE**

S.Rynjah