

Serial No. 38
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 482 of 2021

Date of Decision: 31.08.2022

Shri Hasnur Rahman

Vs. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner(s) : Mr. S. Deb, Adv.

For the Respondent(s) : Mr. H. Abraham, GA

- | | | |
|-----|---|--------|
| i) | Whether approved for reporting in Law journals etc: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |

JUDGMENT AND ORDER (ORAL)

1. The petitioner by way of the instant writ application has prayed for consideration of appointment to the post of Muster Roll worker, Grade-IV under the PHE Department, for which he claims that the respondents have assured him, on the acquisition of land allegedly belonging to his grandfather.

2. From the facts of the case, it appears that between the years 1970 to 1980, a plot of land was acquired on being donated by one (L) Shri Elahi Bokso Dewani (now deceased) to the PHE Department, Government of Meghalaya for the purpose of setting up of a pump house and drinking water tank, on the condition that one person from the family was to be appointed as Muster Roll worker, by the respondent.

3. Mr. S. Deb, learned counsel for the petitioner submits that the agreement has not been honoured, inasmuch as, that the petitioner being the grandson of (L) Shri Elahi Bokso Dewani has not been considered for appointment.

4. Mr. H. Abraham, learned GA for the State respondents in countering the submissions made by the learned counsel for the petitioner has drawn the attention of this Court to the affidavit filed, especially Para-6 which reflects that though the agreement was for appointment of only one person, two sons of (L) Shri Elahi Bokso Dewani were appointed namely; (i) Sofior Rohman and (ii) Shri Motior Rohman, who have since retired from service, and that thereafter two grandchildren were appointed, and both of them are still in service. As such, he submits that the claim of the petitioner is unfounded and the writ petition is devoid of any merit.

5. I have heard the learned counsels for the parties and examined the materials on records, especially Para-6 of the affidavit, which is reproduced hereinbelow:-

“6. That in respect of the statements made in paragraph No.17 to 18 the answering deponent begs to submit that the petitioner has no legal right whatsoever because the condition was to appoint only one family member of Late Elahi Bokso Dewani which has also been reiterated by the Petitioner in paragraph No.2 of the writ petition, but despite the condition two sons of Late Elahi Bokso Dewani was appointed namely Shri. Sofior Rohman and Shri Motior Rohman both of them retired from service under the PHE Department (Annexure-I & III) and till date two grand children of Late Elahi Bokso Dewani are still in service under the PHE Department namely Shri. Shahjahan Rahman appointed as Pump Operator under Sub-Divisional Officer (PHE), Investigation Sub-Division Phulbari vide Office Order No. 01 of 2021-22 and Memo No.EE/PHE/TRN/Estt-3/29-36 dated 21.04.2021 and Smti. Sepali Khatun appointed as Muster Roll (Asst. P.O) under Sub-Divisional Officer (PHE), Sub-Divisional Phulbari vide Office Order No. 68 of 2021-22 and Memo No. EE/PHE/TRN/Genl-2/943-947 dated 01.12.2021.

It is pertinent to mention herein, that the PHE Department has been gracious enough to appoint two family members of Late Elahi Bokso Dewani despite the condition before taking over of the land located at Paham, Pathorkata Village to only appoint one member of his family which till date is still being honoured by the PHE Department as two of his grand children are in service namely Shri. Shahjahan Rahman and Smti. Sepali Khatun. Therefore, the claim of the petitioner does not stand in the eyes of law because the PHE Department has all along being

honouring the condition which was made to Late Elahi Bokso Dewani before taking over the land at Paham, Pathokata Village.”

6. On examination thereof, it appears that there is no deprivation or violation of the agreement in any manner as alleged by the writ petitioner. Accordingly, this writ petition being devoid of any merit is dismissed.

JUDGE

Meghalaya
31.08.2022
“V. Lyndem-PS”

