



Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 226 of 2017

Date of Decision: 28.10.2024

1. Smti. Mimie Thina D. Areng,
Near Balading Club,
Tura, West Garo Hills District,
Meghalaya.
2. Smti. Maria Grecitha Sangma,
Near Wadanang Baptiste Church,
Wadanang, Tura, West Garo Hills

..... Petitioners

-Vs-

1. The State of Meghalaya represented by
The Secretary to the Govt. of Meghalaya,
Department of Education, Shillong.
2. Commissioner & Secretary to the
Government of Meghalaya, Education
Department, Meghalaya Shillong.
3. Meghalaya Public Service Commission,
Represented by its Chairperson, Shillong
Meghalaya.
4. The Acting Chairperson Meghalaya
Public Service Commission, Shillong.
5. The Secretary,



Meghalaya Public Service Commission,
Shillong.

6. Smti. Bharti B Sangma (Expert)
Lady Keene College, Shillong.
7. Runavallerie N. Sangma,
Tura Government College, Tura,
West Garo Hills District, Meghalaya.
8. Rhinkle Merong Marak,
Williamnagar Government College,
Williamnagar
East Garo Hills District, Meghalaya.
9. Porthyna Rangsa Marak,
Tura Government College, Tura
West Garo Hills District, Meghalaya.
10. Sengrik Manda Sangma,
Captain Williamson Memorial
Government College, Baghmara,
South Garo Hills District, Meghalaya.
11. Christilla A Sangma,
Tura Government College, Tura
West Garo Hills District, Meghalaya.
12. Chanang D Momin,
Captain Williamson Memorial
Government College, Baghmara
South Garo Hills District, Meghalaya.
13. Peary Dokgre Marak,
Williamnagar Government College,
Williamnagar, East Garo Hills District,
Meghalaya.



14. Bilnang K Sangma,
Williamnagar Government College,
Williamnagar, East Garo Hills District
Meghalaya.

15. Norime R Marak,
Captain Williamson Memorial
Government College, Baghmara
South Garo Hills District, Meghalaya.

..... Respondents

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Dey, Adv.

For the Respondent(s) : Mr. H. Kharmih, Addl.Sr.GA. for R 1&2
Mr. B. Khyriem, Adv. for R 3-5.
Mrs. N.G. Shylla, Adv. for R 6.
Mr. P. Nongbri, Adv. for R 7 & 11.
Mr. A. Joshi, Adv. for R 8-10, 12-15.

i)	Whether approved for reporting in Law journals etc.:	Yes/No
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ii)	Whether approved for publication in press:	Yes/No
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J U D G M E N T

1. In response to an advertisement No. MPSC/ADVT-38/1/2014-2015/50, dated Shillong the 24th March, 2015 (Annexure-4 of this petition) whereby, inter alia, applications were invited for filing up of



10(ten) posts of Lecturers in Garo in Government Colleges of Meghalaya, the petitioners being eligible for the said posts in terms of qualifications etc, had applied for being considered for the same.

2. In due course, the petitioners being allotted Roll Nos. 00007 and 00008 respectively were called for the screening test which was conducted on 19.03.2016 and were amongst the candidates who were declared successful in the same.

3. The final leg of the entire selection process is the personal interview conducted on the 26th and 27th May, 2016, for which the petitioners were called to appear for the same on the 26th May, 2016.

4. Both the petitioners appeared for the personal interview, the Board consisting of four members, three of which were members of the Meghalaya Public Service Commission (MPSC) and Smti. Bharti B. Sangma, the respondent No. 6 herein was also included in such Board as an expert member.

5. It is the case of the petitioners that soon after the said person interview, they came to know that the expert member of the Interview Board is actually not a qualified person in the specialised field and



accordingly, a verbal protest was made by the petitioners to the Chairperson, MPSC who has assured that the matter will be looked into, however, when there was no response, the petitioners then lodged a written protest on 29.06.2016 through the MPSC Cell Tura.

6. However, vide Notification No. MPSC/D-3/2014-2015/267 dated Shillong, the 30.05.2016 (Annexure-8 of this petition), the result of the interview for the post of Lecturer in Garo in Government Colleges was published by the MPSC and the respondent Nos. 7 to 15 herein were declared successful and their names were recommended for appointment as such. The names of the petitioners did not figure in the list of successful candidates.

7. Being aggrieved by such an outcome, the petitioners have therefore approached this Court with this instant application under Article 226 of the Constitution of India with a prayer to set aside and quash the said Notification No. MPSC/D-3/2014-2015/267 dated Shillong, the 30.05.2016 as well as the subsequent appointment order No. EDN.2436/2004/389 dated Shillong, the 27.02.2017 (Annexure-9 of this petition) issued by the Commissioner and Secretary to the Government of



Meghalaya in the Education Department and for direction for a fresh interview of the candidates to be conducted.

8. Mr. S. Dey, learned counsel for the petitioners has mainly urged on the main contention that is, that the respondent No. 6 not being a qualified person to be appointed as an expert member in the Interview Board to aid and advise the Board as to the competency of the Interviewees, including the petitioners herein as far as the subject matter of Garo is concerned, therefore, her presence in the said Interview Board has vitiated the entire proceedings and has rendered the same to be illegal and arbitrary, the results emanating as a consequence of the process undertaken by such Interview Board are accordingly invalid.

9. The learned counsel has further submitted that the fact of the matter is that the respondent No. 6 is not even holding a Master Degree in Garo language whereas, the petitioners are holders of a Master Degree in Garo language, as such, cannot be imagined that a person of the qualification as that of the respondent No. 6 can be part of the Interview Board and that too, as a domain expert to test the competency of the Interviewees.



10. The learned counsel has also refuted the contention of the respondent No. 6, when in her affidavit-in-opposition, she has stated that she had been teaching Garo in the Lady Keane Girls College since 1984, and has also been deputed by the Government to sit as an expert adviser to assist the MPSC at the interview for recruitment to the post of Lecturers in Garo in Government Colleges, apparently based on her experience of as many as 32(thirty-two) years in teaching the subject, which according to the learned counsel for the petitioner, such experience would in no way qualify her to be an expert in Garo without the necessary qualifications.

11. The selection process (Interview) being tainted by arbitrariness and casualness, vis-à-vis, the qualification of the respondent No. 6 as an expert member, the entire selection process is therefore liable to be set aside and the respondent/MPSC be directed to conduct fresh interview, submits the learned counsel.

12. Mr. B. Khyriem, learned counsel for the respondent Nos. 3-5/MPSC in his argument, has submitted that the practice adopted by the MPSC for empanelment of an expert member in an Interview Board is to request the department concerned to depute such expert member. The



MPSC has no role and power to question the qualification of such expert member deputed by the department. However, normally, it is a conventional practice that whenever the MPSC would request for an expert member or adviser, the department concerned would depute a senior Lecturer or Head of Department associated with the subject, which was done so in this case.

13. Mr. H. Kharmih, learned Addl. Sr. GA in his argument on behalf of the State respondent Nos. 1 & 2 has submitted that the respondent No. 6 has been selected in her service way back in the year 1984 when her appointment in the post of Lecturer in Garo at Lady Keane Girls College, Shillong was approved by the Director of Public Instructions, Meghalaya and she was serving in the said post as long as 32(thirty-two) years or so.

14. The learned Addl. Sr. GA has further submitted that pursuant to a request made by the under Secretary, MPSC vide letter dated 09.05.2016 for deputation of a suitable officer as an expert adviser for the interview to be held on 26th and 27th May, 2016 for the post of Lecturer in Garo in Government Colleges, the Director of Higher and Technical Education, Meghalaya, Shillong, in response thereto had found it fit to



recommend the name of the respondent No. 6, who was accordingly empanelled as such. Therefore, following convention and precedent in this regard, the empanelment of the respondent No. 6 in the said Interview Board cannot be questioned.

15. As far as the stand of the respondent No. 6 is concerned, Mrs. N.G. Shylla, learned counsel has submitted that the respondent No. 6 holds a post graduate degree in M.A (Economics), however, in her degree course, she had passed the same with Garo as one of the subjects. On being recommended by the Governing Body of the Lady Keane Girls College to be appointed as a Lecturer in Garo in the said college, and on approval of the same by the Director of Public Instruction vide related order dated 24.03.1984, the respondent No. 6 was accordingly appointed as such.

16. It is also the submission of the learned counsel that in the 1980's there was no Garo subject taught at the post graduate level. It was only in the year 1986 that the Garo department was introduced in the North Eastern Hills University (NEHU), Tura Campus, and as such, it cannot be said that the respondent No. 6 is not qualified to teach Garo at the relevant point of time. At the time when she was deputed as the



expert adviser, she has already put in about 32(thirty-two) years of service and the experience and knowledge accumulated in the subject, cannot be discounted. Being found fit to be empanelled as an expert adviser, the petitioners have no grounds whatsoever to challenge her qualification.

17. As far as the respondent Nos. 7 & 11 are concerned, Mr. P. Nongbri, learned counsel appearing on their behalf, has at the outset, challenge the maintainability of this petition by contending that the same is barred by estoppel, waiver and acquiescence, inasmuch as, the petitioners having participated in the entire selection process and being declared unsuccessful, they cannot make a U-Turn and challenge the selection process at this point of time. Their representation dated 29.06.2016 filed before the MPSC after the declaration of results cannot be entertained, and the same was rightly rejected by the authorities concerned.

18. The learned counsel has also submitted that the respondent Nos. 7 & 11 respectively having participated in the selection process with no objection as to their qualifications or eligibility, being declared successful after the result of the selection process have been declared,



and also having been appointed in their respective capacity as Lecturer in Garo in the Tura Government College, West Garo Hills District and further having put in more than 8(eight) years of service, at this stage, it may not be proper to unsettle a settled position as that would be against public interest.

19. On consideration of the facts and circumstances of the case of the parties herein, as is apparent, the only grievance of the petitioners is that the respondent No. 6 not being qualified to be empanelled as an expert adviser, her participation in the Interview Board has vitiated the selection process which has caused prejudice to the petitioners.

20. However, on an observation of the materials on record as well as on consideration of the pleadings before this Court, what can be understood is that the respondent No. 6 being a Lecturer in Garo in Lady Keane Girls College since the year 1984 has not been disputed by any of the parties herein including the petitioners.

21. That the circumstances under which the respondent No. 6 was appointed as Lecturer in Garo in the year 1984, even though, she was only having Garo as one of the subjects in the degree course, the fact that



at the relevant period, there was no post graduate studies in Garo offered by NEHU or any University for that matter, it stands to reason that the qualification of the respondent No. 6 to teach Garo language in the said college is found justified.

22. Again, the fact that the respondent No. 6 has had about 32 years' experience in teaching the subject, surely, if she cannot be considered an expert in the same, then nobody can. That the Education Department has found her to be fit to be recommended as an expert adviser for the said Interview Board, such wisdom cannot be questioned by this Court or anyone.

23. On such observations made by this Court, the qualification of the respondent No. 6 has created no doubt as to her competency to be appointed as such expert adviser. Accordingly, the selection process in question has been conducted in a fair and proper manner, the allegation against the same by the petitioners is not found acceptable by this Court.

24. Only on this ground alone, this Court is convinced that the petitioners have not been able to make out a case for disturbing the



results of the selection process and the appointments of the private respondents herein cannot be disturbed at this point of time.

25. This petition is accordingly dismissed as devoid of merits and is hereby disposed of. No costs.

Judge