

WP(C) No. 111 of 2013

09.10.2013

HON'BLE THE CHIEF JUSTICE

Ms K Chisa, Advocate, present for the writ petitioner.

Shri KP Bhattacharjee, GA, present for the respondent Nos. 1 and 2.

Shri S Sen, Advocate, present for respondents No. 3 and 5.

An affidavit-in-opposition has been filed by the respondents No. 3 and 5. The same be taken on record.

Respondent No. 4 has already filed the counter affidavit.

Learned counsel for the petitioner prays for and is allowed two weeks' time to file rejoinder to the counter affidavits filed by the respondents.

List after two weeks.

CHIEF JUSTICE

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09.10.13

WP(C) No. 259 of 2013

09.10.2013

HON'BLE THE CHIEF JUSTICE

Shri AS Siddique, Advocate, present for the writ petitioner.

Shri R Deb Nath, CGC, present for the respondents.

Heard.

By means of this writ petition, the petitioner has sought writ in the nature of mandamus quashing the impugned notice dated 04.09.2013 (copy Annexure II to the writ petition) issued by the respondent No.3.

Admittedly, the petitioner's father (L) Ashok Limboo died in harness on 14.01.2010. He was occupying the Govt. quarter, CPWD Quarter No. 5/Type II, situated in Cleve Colony, Shillong. It appears that the present petitioner (son of the deceased employee) is still occupying the Govt. quarter along with his mother. Respondent No. 3 of the department concerned has issued notice to the petitioner to vacate the premises of the Govt. accommodation.

After a period of three years of the death of the employee, the right of continuance in the Govt. accommodation by his family members can neither be said to be justified nor lawful. Learned counsel for the petitioner failed to show me any law which entitles the petitioner to continue the occupation of the Govt. quarter after such a long period, of death of his father.

In the above circumstances, this Court is of the view that this writ petition is totally devoid of merits, and is liable to be dismissed summarily.

Accordingly, this writ petition is dismissed summarily. The interim order dated 11.09.2013 stands vacated.

CHIEF JUSTICE

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09.10.13



WP(C) No. 260 of 2013

09.10.2013

HON'BLE THE CHIEF JUSTICE

Ms SG Momin, Advocate, present for the writ petitioner.

Ms NG Shylla, GA, present for the respondents.

Heard.

Learned counsel for the respondents prays for and is allowed further three weeks' time to file the counter affidavit.

List after three weeks.

CHIEF JUSTICE

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09.10.13

09.10.2013

HON'BLE THE CHIEF JUSTICE

Shri AH Hazarika, Advocate, present for the writ petitioners.

Shri ND Chullai, Sr. GA, present for the respondents.

Heard.

By means of this writ petition, the petitioners have challenged the selection process held in pursuance to advertisement dated 10.02.2012 issued by the Deputy Member Secretary, District Selection Committee, East Garo Hills, Williamnagar.

Serious allegations of nepotism and favouritism have been made in this writ petition. It is stated in the writ petition that 22 candidates (77% of the successful candidates) are the relatives of the already serving officials who have been enlisted as successful candidates for the interview. Details of the 22 candidates along with the names of their relatives and the relationship have been mentioned in Annexure IX A of the writ petition. It is also alleged that it is pretended in the selection process that Jawahar Navodaya Vidyalaya's teachers evaluated the answer-scripts but the Principal of Jawahar Navodaya Vidyalaya, Williamnagar vide its letter dated 31.08.2013 (copy Annexure XI to the writ petition) it is informed that no one of their employees were involved in evaluation of answer-scripts of the impugned written examination.

Admit the petition.

Learned Sr. GA prays for and is allowed four weeks' time to file the counter affidavit.

Having considered the submissions of the learned counsel for the parties and after going through the documents of record, as an interim measure, it is directed that no appointments shall be made based on written exam held on 22.09.2012 in pursuance to the advertisement dated 10.02.2012, until further orders of this Court.

List after four weeks along with the connected writ petitions i.e. WP(C)No. 268 of 2013, WP(C)No. 269 of 2013 and WP(C)No. 270 of 2013.

CHIEF JUSTICE

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09.10.13

WP(C) No. 291 of 2013

09.10.2013

HON'BLE THE CHIEF JUSTICE

Shri S Wahlang, Advocate, present for the writ petitioner.

Shri ND Chullai, Sr. GA, present for the respondents.

Heard.

By means of this writ petition, the petitioner has sought direction that his promotion to the post of head warder be made as he is already discharging his duties as head warder, being senior most Warder, w.e.f. 01.11.2011 (after retirement of Shri Belias Rapsang).

It is stated in the writ petition that the writ petitioner joined his duties as Warder in the year 1976 and confirmed in the year 1987, annexing the copies of the appointment and confirmation order. Attention of this Court is also drawn to the letter dated 04.11.2011 sent by the Consultant of Meghalaya Institute of Mental Health and Neurological Sciences (MIMHANS), Pastuer Hills, Lawmali, Shillong, whereby the said officer has written to the Director of Health Services (MI), Meghalaya, Shillong (present respondent No. 4) regarding filling up of the vacant post of Head Warder in place of Shri Belias Rapsang (Retd.). The said letter also discloses that the petitioner Shri Raymond Sawian, senior most Warder is discharging the function of Head Warder w.e.f. 01.11.2011. Another letter dated 23.05.2012 sent by the Addl. Superintendent of MIMHANS, Pasteur Hills, Lawmali, Shillong (copy of which is annexed as Annexure III to the writ petition) shows that in the seniority list, the petitioner's name appeared as senior most Warder, and integrity certificate of the petitioner was also annexed for consideration of the same by Departmental Promotion Committee.

Having heard the learned counsel for the parties, and after going through the documents and records, this writ petition is summarily disposed of with the direction to the

respondent No. 4 and other authorities concerned to hold meeting of the Departmental Promotion Committee to fill up the post of Head Warder in MIMHANS, Pastuer Hills, Lawmali, Shillong in accordance with law, within a period of two months from the date of receipt a certified copy of this order by the respondent No. 4.

CHIEF JUSTICE

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09.10.13

MC No. 292 of 2013  
IN WP(C) No. 260 of 2013

09.10.2013

HON'BLE THE CHIEF JUSTICE

List this matter after three weeks along with  
WP(C)No. 260 of 2013.

CHIEF JUSTICE

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09.10.13