

**BEFORE**

**THE HON'BLE MR JUSTICE UMA NATH SINGH, CHIEF JUSTICE  
HON'BLE MR JUSTICE T NANDAKUMAR SINGH  
& HON'BLE MR JUSTICE S.R.SEN**

**15.07.2015**

***(Uma Nath Singh, CJ)***

Ms. Belma Mawrie, appears in person.

Mr. K.S. Kynjing, learned Advocate General, assisted by Mr. S. Sen Gupta, learned GA, represents the State-respondent.

We have perused the office note of the Registrar General on the background of case and conduct of Judicial officer, Smti Belma Mawrie, a probationer Additional District & Sessions Judge, (Officiating as District and Sessions Judge, Shillong), who upon being transferred on administrative ground to Williamnagar in Garo Hills, has tendered resignation stating to be on personal ground. However, since the officer is a probationer, to give her a chance, in the special circumstances of her family, the said order of transfer was modified and she has been transferred as Additional District and Sessions Judge (Probationer) at Jowai. The modified transfer order was served upon her and thereafter two news items have appeared in "The Shillong Times", a Local Daily to which she has taken objection denying the contents to be untrue and has also alleged that such news items have tarnished her image and that of her family. As the news items prima facie appear to be factual reporting based on informations in public domain being related to her unsuccessful attempt in Grade-III Meghalaya Judicial Service examination and transfer on compassionate ground as her husband is a cancer patient and she has a four year old child, they cannot be held to be untrue. However, for the satisfaction of Court, we direct the Law Secretary,

present in the Court, to produce the Medical Bills submitted by Smti Belma Mawrie for medical treatment of her husband. We also direct the Registrar General to ask the Meghalaya Public Service Commission to furnish the Roll No. of Smti Mawrie in Grade-III examinations of Meghalaya Judicial Service in which she did not fare well. Moreover, the office note sheet also provides information about grant of bail by Smti Belma Mawrie to one Nurul Islam, officer in-charge of Ampati Police Station, in serious offence of commission of rape by him on two minor girls, a well known case which has engaged the attention and coverage of the print Media on front page. The manner in which anticipatory and regular bails were granted, prima facie, appears to be irregular and improper and that was the main administrative ground for shifting of Smti Belma Mawrie to Williamnagar. That apart, some other order sheets of different cases have also come to the notice of the Court wherein, in a case of bail matter under POCSO, Smti Belma Mawrie has granted bail and cancelled it on next date only on the request of I/O without any substantial change in circumstances, whereas, in the second case, under Section 438 CrPC, after making an order, she has scored it off. However, at the end of hearing, Smti Belma Mawrie and her family members have tendered unconditional apology for putting affront to the authority of the High Court and the Registrar General and for other commission or omission. Smti Belma Mawrie also undertakes to join at Jowai during the pendency of her resignation, within the time frame prescribed in the order. Looking to the background of the case wherein Smti Belma Mawrie has granted bail to the Police officer, the conduct of Judicial officer needs a strict scrutiny, but, since she is only a probationer appointed on 3<sup>rd</sup> February, 2014 and

there is persistent request by her family members to give her a chance to improve, we reserve the final order.

Moreover, Smti Belma Mawrie has tendered unconditional apology which, in the family circumstances, she is placed in, we are inclined to accept but still she may submit her response, if any, after collecting the paper-book from the Registry.

**JUDGE**

**JUDGE**

**CHIEF JUSTICE**

**mdk**