

Crl Appeal No. 4 of 2011

28.11.2013

HON'BLE THE CHIEF JUSTICE

Adjourned at the request of Shri S Dey, counsel
for the respondents.

List after three weeks.

CHIEF JUSTICE

dev
28.11.13

Cr1 A No. 5 of 2010

28.11.2013

HON'BLE THE CHIEF JUSTICE

Shri AB Choudhury, Sr. Advocate, assisted by
Shri BK Deb Roy, Advocate, present for the appellant.

Shri VK Jindal, Sr. Advocate, assisted by Shri S
Dey, Advocate, present for CBI.

Due to lengthy arguments in Criminal Appeal No.
1 of 2008 and Criminal Appeal No. 3 of 2008, this
appeal could not be heard today.

List this appeal on 13.02.2013 for final hearing.

CHIEF JUSTICE

dev
28.11.13

CrI MC No. 64 of 2013
IN CrI Petn No. 55 of 2013

28.11.2013

HON'BLE THE CHIEF JUSTICE

Smti A Kharshiing, (Petitioner/applicant) is present in person.

Shri K Khan, Addl. Sr. GA, present for respondent No. 1.

Shri J Lalsangliana, Advocate, present for respondent No. 2.

Heard.

By means of this application (CrI MC No. 64 of 2013), the petitioner/applicant has sought restoration of CrI. Petn. No. 55 of 2013, which was dismissed for non prosecution by this Court on 25.11.2013.

The application for restoration is within the time and supported by an affidavit. The ground of absence has been sufficiently explained in the application.

Therefore, restoration application is allowed. CrI. Petn. No. 55 of 2013 is restored to its original number. CrI. Misc. Case No. 64 of 2013 stands disposed of.

CHIEF JUSTICE

dev
28.11.13

CrI MC No. 65 of 2013
IN CrI A No. 5 of 2010

28.11.2013

HON'BLE THE CHIEF JUSTICE

Shri AB Choudhury, Sr. Advocate, assisted by Shri BK Deb Roy, Advocate, present for the appellant/applicant.

Shri VK Jindal, Sr. Advocate, assisted by Shri S Dey, Advocate, present for CBI.

Heard.

By means of this application (CrI MC No. 65 of 2013), the appellant/applicant has prayed for stay of the hearing of CrI Appeal No. 5 of 2010 on the ground that Special Leave Petition (Civil) No. 34834 of 2013 is pending before the Apex Court against the judgment and order dated 06.11.2013 passed by the Division Bench of Gauhati High Court in WA No. 119 of 2008.

Perusal of Annexure 2 to the present application shows that operation of said order passed by the Division Bench has already been stayed by the Apex court.

In the above circumstances, this CrI Misc. Case No. 65 of 2013 is dismissed.

CHIEF JUSTICE

dev
28.11.13

CrI MC No. 66 of 2013
IN CrI A No. 5 of 2010

28.11.2013

HON'BLE THE CHIEF JUSTICE

Shri AB Choudhury, Sr. Advocate, assisted by Shri BK Deb Roy, Advocate, present for the appellant/applicant.

Shri VK Jindal, Sr. Advocate, assisted by Shri S Dey, Advocate, present for CBI.

Heard.

By means of this application (CrI MC No. 66 of 2013), the appellant/applicant has prayed adjournment of the CrI. Appeal No. 5 of 2010 and calling for the original exhibits No. 9 to 24 and 83 to 86 from the Special Judge CBI, Additional Court No.1 at Guwahati.

Learned counsel for respondents submitted that the application has been moved just to delay the hearing of the appeal. It is further pointed out that copies of the relevant documents sought to be called are already part of the paper book.

In the above circumstances, this CrI. Misc. Case No. 66 of 2013 is rejected.

CHIEF JUSTICE

dev
28.11.13

Crl Petn No. 55 of 2013

28.11.2013

HON'BLE THE CHIEF JUSTICE

Smti A Kharshiing, (Petitioner) is present in person.

Shri K Khan, Addl. Sr. GA, present for respondent No. 1.

Shri J Lalsangliana, Advocate, present for respondent No. 2.

Heard.

This Crl Revn petition is restored to its original number vide order of the date passed in Crl. MC No. 64 of 2013.

List this matter on 11.02.2014. Meanwhile, respondents are allowed to file their counter affidavits, if they so like.

CHIEF JUSTICE

dev
28.11.13

MC No. 296 of 2013
IN WP(C)No. 267 of 2013

28.11.2013

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 267 of
2013.

CHIEF JUSTICE

dev
28.11.13

MC No. 374 of 2013
IN WP(C) No. 278 of 2013

28.11.2013

HON'BLE THE CHIEF JUSTICE

List this Misc. Case along with WP(C)No. 278 of
2013 after two weeks.

CHIEF JUSTICE

dev
28.11.13

MC No. 383 of 2013
IN WP(C) No. 341 of 2013

28.11.2013

HON'BLE THE CHIEF JUSTICE

In view of the interim order passed in WP(C)341 of 2013, no further order need be passed in this Misc. Case, which stands disposed of.

CHIEF JUSTICE

dev
28.11.13

WP(Crl) No. 10 of 2013

28.11.2013

HON'BLE THE CHIEF JUSTICE

Shri MD Sangma, Advocate, present for the writ petitioner.

Shri R Gurung, Advocate, present for the State respondents.

Learned counsel for the petitioner states that the detinue (Shri Augustine R Marak) has already been released from the Jail.

In the above circumstances, this habeas corpus petition has become infructuous.

Therefore, this WP(Crl) petition stands disposed of as infructuous.

CHIEF JUSTICE

dev
28.11.13

WP(C) No. 180 of 2013

28.11.2013

HON'BLE THE CHIEF JUSTICE

Shri R Majaw, Advocate, present for the petitioner.

Shri S Dey, Advocate, present for respondents No. 1
to 4.

Learned counsel for respondents No. 1 to 4 prays for
and is allowed further three weeks' time to file counter
affidavit.

List after three weeks.

CHIEF JUSTICE

dev
28.11.13

WP(C) No.267 of 2013

28.11.2013

HON'BLE THE CHIEF JUSTICE

Shri K Paul, Advocate, present for the petitioners.

Shri KS Kynjing, Advocate General, assisted by Shri
ND Chullai, Sr. GA, present for the respondents.

Learned counsel for the petitioners prays for and is
allowed further ten days time to file rejoinder affidavit.

List after ten days. Meanwhile, the petitioners are
allowed to get served notice by hand (Dasti) on
respondent No. 5, with correct particulars, and file
affidavit of service before the next date.

CHIEF JUSTICE

dev
28.11.13

WP(C) No. 278 of 2013

28.11.2013

HON'BLE THE CHIEF JUSTICE

Ms P Bhattacharjee, Advocate, present for the writ petitioner.

Shri ND Chullai, Sr. GA, assisted by Shri R Gurung, Advocate, present for the respondents.

Learned counsel for the petitioner prays for and is allowed two weeks' time to file rejoinder affidavit.

List after two weeks. Meanwhile, the petitioner is directed to correct the array of the parties of the respondents, as it appears that the officers have been impleaded by name, which in the present case is uncalled for.

CHIEF JUSTICE

dev
28.11.13

WP(C) No. 340 of 2013

28.11.2013

HON'BLE THE CHIEF JUSTICE

Shri R Kar, Advocate, present for the writ petitioners.

Shri ND Chullai, Sr.GA, assisted by Shri R Gurung,
Advocate, present for the respondents.

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

List after four weeks.

CHIEF JUSTICE

dev
28.11.13

WP(C) No. 341 of 2013

28.11.2013

HON'BLE THE CHIEF JUSTICE

Shri VK Jindal, Sr. Advocate, assisted by Ms QB Lamare, Advocate, present for the petitioners.

Shri ND Chullai, Sr. GA, assisted by Shri R Gurung, Advocate, present for respondent No. 1.

Heard.

By means of this writ petition, the petitioners have challenged the Notification No. MPSC/D-3/1/2011-2012/23 dated 06.05.2013, issued by Meghalaya Public Service Commission, whereby respondents No. 3 to 12 have been recommended to be appointed to the posts of Lecturer in Garo in Government Colleges under State Education Department.

Learned counsel for the petitioners submitted that as per advertisement dated 21.08.2012, there was an essential requirement for the candidates for the post of Lecturer in Government Colleges that he or she must have cleared National Eligibility Test (NET) conducted by the UGC/CSIR or similar test accredited by the UGC. It is contended that the selected candidates (respondents No. 3 to 12) have not cleared NET.

However, perusal of Annexure P-6, which is copy of the advertisement, shows that there was exemption for PhD Degree holders from the requirement of clearance of NET.

Admit the petition.

Learned counsel for the respondent No. 1 prays for and is allowed four weeks' time to file counter affidavit.

Issue notices to respondents No. 2 to 12, who may also file their counter affidavits within a period of four weeks.

Having heard learned counsel for the petitioners and learned counsel for respondent No. 1, as an interim measure, it is directed that out of respondents No. 3 to 12, if any one neither holds PhD Degree nor has cleared NET, such candidate shall not be given appointment in

pursuance to the impugned select list till next date of listing. It is clarified that in respect of selected candidates (respondents No. 3 to 12) who have either possessed degree of PhD or cleared NET, this interim order shall not have effect in giving appointments to them.

List after four weeks.

(Prafulla C Pant)
CHIEF JUSTICE

dev
28.11.13

Crl.Appl.No.1/2013

28.11.2013

HON'BLE THE CHIEF JUSTICE

Shri. K Sunar, Advocate, present for the appellant.

Shri. VK Jindal, Senior Advocate, present for the respondent-CBI.

Heard arguments (not concluded). Final hearing will continue on **03.12.2013**. List on said date showing name of Mr. HR Nath, Advocate also as counsel for the appellant.

CHIEF JUSTICE

Lam
28.11.2013

Crl.Appl.No.3/2013

28.11.2013

HON'BLE THE CHIEF JUSTICE

Shri. K Paul, Advocate, present for the appellant.

Shri. VK Jindal, Senior Advocate, present for the respondent-CBI.

Heard arguments (not concluded). Final hearing will continue on

03.12.2013.

CHIEF JUSTICE

Lam
28.11.2013

MC(WP(C)No.384/2013
In WP(C) No.330/2013

28.11.2013

HON'BLE THE CHIEF JUSTICE

Shri. K Sunar, Advocate, present for the applicant/petitioner.

Shri. VGK Kynta, Senior Advocate, present for the respondent
No.1.

Shri.HS Thangkhiew, Senior Advocate assisted by Shri. N Mozika,
Advocate, present for the respondent No.2.

Heard.

By means of this application, the applicant/petitioner has sought
correction in the prayer clause and also in *para-13* of the *Writ Petition*
No.330/2013.

Amendment/correction sought to be made appears to be bonafide
and clerical in nature. Therefore, amendment/correction application is allowed.

Misc. Case No.384/2013 stands disposed of. (The
amendment/correction be made in the writ petition during the course of the day).

CHIEF JUSTICE

Lam
28.11.2013

MC(WP(C)No.376/2013
In WP(C) No.330/2013

28.11.2013

HON'BLE THE CHIEF JUSTICE

List it after four weeks' along with ***WP(C)No.330/2013***.

CHIEF JUSTICE

Lam
28.11.2013

WP(C) No.295/2013

28.11.2013

HON'BLE THE CHIEF JUSTICE

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

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

List it after four weeks.

CHIEF JUSTICE

Lam
28.11.2013

WP(C) No.311/2013

28.11.2013

HON'BLE THE CHIEF JUSTICE

Shri. J Lalsangliana, Advocate, present for the petitioner.

Shri. S Sen Gupta, Advocate, present for the respondents.

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

List it after three weeks.

CHIEF JUSTICE

Lam
28.11.2013

WP(C) No.330/2013

28.11.2013

HON'BLE THE CHIEF JUSTICE

Shri. K Sunar, Advocate, present for the petitioner.

Shri. VGK Kynta, Senior Advocate, present for the respondent
No.1.

Shri.HS Thangkhiew, Senior Advocate assisted by Shri. N Mozika,
Advocate, present for the respondent No.2.

Learned counsel for the respondent No.1 and respondent No.2
pray for and are allowed further four weeks' time to file counter affidavits.

Issue Notice to respondents No.3, 4 & 5, who may also file their
counter affidavits within a period of four weeks.

List it after four weeks.

CHIEF JUSTICE

Lam
28.11.2013