

MEGHALAYA-NI CHUBATGIPA KACHARI

SHILLONG

W.P. (C) No.131/2021

Ge'etaniko on'ani tarik: 13.04.2022

Smti. Valencia Syiemlieh

Vs.

State of Meghalaya and anr

Jeni mikkangon mamlako ra'a:

Mandera'ako man'na kragipa Mr. Justice Sanjib Banerjee, Skotong

Bichal Ka'gipa

Mandera.ako man'na kragipa Mr. Justice W. Diengdoh, Bichal Ka'gipa

Mikkang Pagiparang:

Badi Ka'engpipana

:Mr. Philemon Nongbri, Ukil baksana

Mr. D.K. Warjri, Ukil

Mr. R.S. Malngiang, Ukil

Bibadina

:Mr. N.D. Chullai, AAG baksana

Mr. S. Sen, Sr.GA (Sorkarini Ukil)

i) Law Journals ba uandakgiparango
u'iatanina ra'chakaniko dakahama?

Ra'chakaha

ii) Chapa ka'atanina ra'chakniko
dakahama:

Ra'chakaha/Ra'chakkuja

Rai Onani : (Mandera'ako man'na kragipa Skotong Bichal Ka'gipani on'ani)

(Katta aganani)

Badi ka'gipa, Grade-III gadango rakkiako man'e Meghalaya Legislative Assembly Secretariato Receptionist-ni kamko ka'engpipana ong'a. Badi ka'gipani seachi neng'nikaniko janapani gitade chubata gadangona kam doani bidingo

2011-o tarichenggipa (original) Niamko jakkalanio dingtangatani a'sel badi ka'gipana namniksokgija dakani ong'aha aro badi ka'gipani 2011-ni Niam gita kamoni dogenchim ong'ode tangka-paisa man'dapaniko gimaatani ong'aha.

2. Badi ka'gipani mamlara uni kamo napani somoiode, kamoni doatani niamrang ba badia post-ko kamo rakkiachi (direct recruitment) ba badia post-ko kamoni doata mangmangchi ba badia post-ko kamoni doata baksana kamo rakkiachi gapatna man'genchim uko mesoke ong'gipa niamrang dongjachim. Meghalaya Legislative Assembly Secretariat (Recruitment and Conditions of Service) Rules, 2011-ko ra'gatani ja'mano, Assembly Secretariat-o Lower Division Assistant (LDA) ko sak ritchaprako 20 percent kamoniko ra'doanichi aro sak ritchaprakoni bangki 80 percent-ko gital manderangko joljol rakkiachi (direct recruitment) gapatna nangachim ine see badi ka'gipa aganaha. Kamko ra'doatanina dongimin, 2011-ni Niamo indake ong'a:

“Meghalaya Legislative Assembly Secretariat-o bilsi 3-na kam ka'gimin(sic) Receptionist/Intercom Operators/Typist aro gipin man'na kragipa kam ka'giparangoni ong'a jerangni lekka pora man'ani gadang Higher Secondary School Leaving Certificate gnanng.”

3. Meghalaya Legislative Assembly Secretariat (Recruitment and Conditions of Service) Rules, 2015-ko 2011-ni Niamni pal chu'gimik ra'gatskaaha jekon May 4, 2016 mango chapa ka'aha.

4. 2015-ni Niam gita 20 percent manderangko LDA-na rakkianio dingtang dingtang kamko ka'gipa doloniko ra'doanichi ong'gen aro dongrikenggipa 80

percent-ara manderangko kamoni ra'doanichi ong'gen indiba seanio rakkie dona gita Typist-rangoni kamo ru'utbate ka'giparang ong'gen.

5. Badi ka'gipani skanggipa neng'nikaniara, jensalo Typist-rangko dingtang dingtang rokomni Grade-III gadango donge kam ka'giparang baksa kamoni ra'doatna chanchianio chanchapachim, 2015 bilsini Niam 80 percent LDA post-o kamo napchengani gadangko bon'ate, 80 percent LDA post-o Typist-rangoniko kamo ra'doate rakkina donaha. Badi ka'gipa Niamko dingtangatania kragijani ong'a ine matnangaha maina ua Receptionist ong'oba a'bachengo Typist aro Stenographer-rang gita LDA kamna ra'doanio apsan kragipa ine channa man'genchim indiba dingtangatgimin 2015-ni Niamo Typist-rangko mikpakma nia ine matnangaha.

6. 2015 Niamni bidingo badi ka'gipa jekon jajrengje janapachim uko mamung dakeba iano janapna nangja. Uan ku'rachakgimin ong'enga je 2020-ni Niamko da'o ra'gataha aro ua Niamni ning'o da'o dongenggipa kam ka'giparangsang LDA gadangona kam ra'doatanichi dona man'gen aro gapatna nangenggipa post-ko kam ra'doatako man'na sigiparang gapatjaode, dongkuenggipa post-ko Grade-III gadango komibeoba bilsini gittam kam ka'sogiminrang jerangan degree baksa Computer-ko namen ma'siani gnanngchim department-ni gita susaanichi gapatskagen. Iandakgipa 2020-ni Niama kragijani, kal'ake roani aro mandena gisiko dukniko on'gipa ong'a ine badi ka'gipa ong'enggipa mamlao rabiaha maina badi ka'gipana batanggimin somoio dongimin nanganirangko (criteria) chu'sokode kamoni ra'doani aro tangka-paisa man'dapanio kadonganiko on'achim.

7. 2015-ni Niamko ra'bianio mamung namgniko nikja, maina LDA gadangni 20 percent post-rangna 2015 Niamni ning'oba Typist-rang, Receptionist-rang, Computer Operator-rang aro gipin kragipa Grade III-o donggipa kam ka'giparagoniko ra'dona rakkie donataha. Ian ong'chongmota indake 80 percent post-rangko 2015 Niamni ning'o Typistrangoni kam dogiparangna rakkie donaha, indiba jean namen nangchongmotgipara uan badi ka'gipani man'na nanganiko kragija dakani ong'ja maina badi ka'gipa aro ua gita gipin apsan gadango kam ka'giparang 20 percent post-rango kamoni doate LDA gadangona gapatako man'na kraa. Mongsongbate, maidakgipa kam ka'gnigiparangko dingtangmancha gadangna rakkigen uko dakna gita chu'gimik kamo rakkigipani jakon ong'a. Indake ong'oba, ongipa gadango donggipa mandeni kamoni dona dongimin Niam dongode kam doani cholko kamo rakkigipa champengana man'ja.

8. 2015-ni Niamo gita, Typistrang 80 percent LDA post-rangko kamoni doe gapatna man'genchimoba badi ka'gipani gadang dingtangani dongja. Una agreba, 2015-ni Niamko ra'biania kam ka'enggipani gadang ge'sani kosako gadang gipinko donna nangnikani ine nikna man'a aro ian krabeani ong'ja aro kamo rakkigipana dakna cholrangko on'gen. Indioba, badi ka'gipani gadangko kragija dake gimaaniko ra'bagenchimode, chongmotan uni kamoni doani cholko dondikatode, uan Court-o ding'doatani on'gen. LDA postrangni 20 percent-ko dingtang dingtang gadangoni kam dognigiparangna donengon, jeon badi ka'gipa ong'paachim, chong'motan gipin gadango kam ka'giparangna

kamoni dona nambata cholko on'anina Niamko dingtangatna ra'biania nama a'selko on'ani ong'jawa.

9. 2020-ni Niamrangde indiba namen dingtanga. 2020 Niamo mesoka gita bangbanggipa post-na skanggipa ra'ani cholko dakani gita gapatani dongjao departmental-ni susaanio pangchake tangdoatako man'ana agrede Badi Ka'gipa aro Grade-III gadango donggipa kam ka'giparangna LDA-ona tangdona mamung chol dongja. 2020-ni Niamko nigualna gitaba man'ja maina uano chubata poraiani gadangko on'aha jean batanggimin Niamni ning'o dongjachim. Indake, 2020-ni Niamo gita badi ka'gipa maibakai LDA post-ona dona gita je porikkako ra'genchimoba nangnikgipa poraiani gadang dongjaode uko kamoni ra'dona chanchiani dongjawa.

10. A'bachengode iarangan 2020-ni Niamrangko ra'bianina namgipa pangchakani gita nikachim. Indiba, kamo rakkigipa ia mokordomako ra'ani somoio affidavit segateao badi ka'gipa gita kamoni ra'doako man'gijagiparangna assured career progression scheme-ko ra'gataha aro badi ka'gipa uani ning'o man'na nangni gnang ine mesokaha.

11. A'dokni ning'o ba dolni ning'o kam ka'gipa A'songni Niam-retini Article 12-o "authority'ko talatanina aganchakengon, nangegipa post-na kamo ra'doatanina mesoksoani dongode ra'dochina dabina bilko man'gen, uandakgipa bilranga promotion man'ode tangka-paisa man'dapani donggen ba man'na nanganirangko miksongenggipa kam ka'gipa man'gen. Maibakai, kam ka'enggipa ra'doani pal, tangka-paisako aro gipin man'na nanganirangko

ra'gatgipa scheme-ni gita on'ako man'achim unon kamko ka'enggipa duk man'na nangani dongjawaha.

12. Miksonganiko name ma'sie ra'na nanga. Jekai kamo donggipa kam doatanina dabina mangmang bil donga aro kamoni dona chongmotko mesokna bil dongja, apsan dake, kam ra'doako man'ode uni man'dapgniko am'sandie ra'bana kamo donggipa bil donga. Jedake kamoni doatako man'gipa mande, ra'dogipa kamko, rakkigipani nangnikani gita ka'na nangja indake uni man'na nanganirangko ra'doatako man'ani gita man'genchimode kamo donggipa iani bidingo duk ong'na nangani dongjawa.

13. Indake, ia mamlao kamo rakkigipa 'Career progression Scheme'ko on'na am'engon, badi ka'enggipa badita bilsirangni ja'man kamoni doani ong'ode man'na nanganirangko man'genchim, tangka-paisa ba ugita ong'gija, jekon bon'atgimin kam doani pal kamo ong'enggipa man'skagenchim uko nianiko dakna nanggen. Minggipin dake, maibakai kamko ka'enggipa dongimin somoi gita chubata post-ona doani ong'genchim aro post-ko bon'atgenchim ba uana skang ra'galgenchimode, uandakgipa kamko ka'enggipa mandena ra'gatgimin career progression scheme-ko don'gimin bilsigita kamoni ra'doo man'na nanga gita apsan man'aniko aro man'dapanirangko on'na nanggen. Unbaksana, 2020 Niamni gita krae dakaniko man'janaba gnang, indiba, kamo rakkienggipani affidavit-o career progression scheme-ko mesoka gita apsan tangka-paisa man'aniko aro man'dapanirangko kamko ka'enggipa ba badi ka'enggipana kam doani pal on'na am'ania, iano badi ka'enggipani duknirangko chu'soke knachakaha gita ong'aha.

14. Uandaken, WP(C) No.131/2021 mamlako, badi ka'enggipa career progression scheme-ni ning'o ga'ake man'na nanganiko komie man'genchimode ba indakgipa scheme badi ka'enggipana Niam gita kamoni nie ra'doako man'e man'na nanga gita man'dapanirango komie man'genchimode, badi ka'enggipa Kachariona re'bae mamla ka'taiena cholko man'gen maina uamang 2020 Niamko ra'gatna skangan kam ra'doatoko man'na nangachim. A'dokni janapgipa career progression scheme-o, badi ka'enggipa giticham Niam gita promotion man'o man'na nanga gita tangka-paisa ba man'dapanirango namgniko man'jagenchimode, scheme-ni kosako badi ka'enggipa ra'biena man'gen.

15. Badi ka'gipani kam ra'doata man'gni cholrangko ra'gale bon'atachi kragija dake ong'nasiatanina career progression scheme-ko ra'gatachi tangka-paisani bidingo namgniko on'aha. Badi ka'gipa dongimin bilsi gita kam ra'doako man'ode tangka-paisa man'a gita scheme-o man'genchimode, 2020-ni Niamko nangataniko mamung dakeba nikjaha.

16. Gamna nangani bidingo, ge'etani dongja.

(W. Diengdoh)

Bichal Ka'gipa

(Sanjib Banerjee)

Skotong Bichal Ka'gipa