

Serial Nos. 01
Regular list

Translation from English
La pynkylla na ka ktien English

KA ÏINGKASHARI HIGH COURT JONG KA MEGHALAYA
HA SHILLONG

WP(C) No. 50/2022

Tarik jong ka Hukum: 23.03.2022

The Union Of India & Anr. Pyrshah Monaliza Lyngdoh Mawphlang & Anr.

Hakhmat (Coram):

U Nongbishar Bahakhliehduh Badonburom Sanjib Banerjee,

U Nongbishar Badonburom W. Diengdoh,

Ki muktiar ba mihkhmat (Appearance):

Na ka bynta u/ka/ki Nongmudui : Mr. K. Paul,U Muktiar rangbah.bad
Mr. S.Thapa,Muktiar

Na ka bynta u/ka/ki Nongshahmudui : Mr. S.P.Mahanta,Muktiar rangbah bad
Mr.M.Lyngdoh,Muktiar
La shah ne em ban pynmih kaiphod ha ki kot

i)La shah ne em ban pynmih kaiphod ha ki kot
buhjingkynmaw (Journal) kam ain, bad kiwei:

Hooid

ii)La shah ne em ban pynmih ha ki lad pathai khubor:

Hooid/Em

**KA RAI : (Katkum u nongbishar ba ha khlieh duh,badonburom) (Da kaba shu
kren)**

Kane ka mukotduma ka kdew pyrshah ia ka hukum kaba la mih ha ka
24,Rymphang 2020 ba la ai da ka Gauhati Bench jong ka Central Administrative
Tribunal (CAT) halor ka jingujor jong ka nongshahmudui hakhmat ka Tribunal.Ka
jingujor ba la rah da ka nongshahmudui hakhmat ka CAT ka long ba wat hapdeng
ka jingthung kam kaba la pyniaid da ka North Eastern Indira Gandhi Regional

Institute of Health and Medical Sciences (NEIGRIHMS) ba la leh lyngba ka jingpynbna paidbah (advertisement) kaba la mih ha ka 6,Naitung 2017,bad ka jingpyniaid ia ka jingthung kam ka la long kaba jop,bad arngut napdeng ki nongmudui hakhmat ka Tribunal ki la long kiba la shah jied kum ki *Associate Professor* ban hikai ha ka phang kaba iadei bad ka *general medicine* bad *gynaecology*.Ia ka rukom thung baroh kawei la leh da kaba bud ia ka jingpyntip kaba la mih ha ka 27,Nailar,2018 ba la pynmih da ka Ministry of Health and Family Welfare (NE Section) ba la ai sha u Director jong ka (NEIGRIHMS) Shillong.

2.Kane ka jingpyntip kaba la mih ha ka 27,Nailur 2018 ha kaba iadei bad ka jingthungkam katkum ka jingpynbna paidbah (advertisement) kaba mih ha ka 6,Naitung 2017 ka don kumne ban ong ha ka paragraph ba 4:

"4.Ka jingpynbna paidbah jong ka 06.07.2017 la pynduh noh.Na ka bynta ka kam ba lait lah ban pynbna paidbah pat hadien."

3.Ia katei ka jingpyntip la pynmih da u Under Secretary ka sorkar pdeng,bad ka long kaei kaei kaba sngewkhia ban iohi ba ka don ka jingleh bymsalia kaba ym don daw ban pynshisha ba, balei ia ka jingthung kam thung jam kaba la dep iaaid mynta la palat shisnem,yn dang donkam ban pynbijai ei,wat hadien ba la pyndep bad ba la jied bha ia kiba dei ban shah thung.Kham niar ban iohi ha ki katto katne ki khep,ba don ka jingbakla ba la kum leh ha kaba iadei bad ka jingpynbna paidbah (advertisement) la ka long ha ka jingbuh ia ka kyrdan pule,lane kano kano ka daw ka ban mih pyrshah ia ka jingthmu jong ka jingpyntreikam.Khlem artatien ba ka jingpynsangeh noh ia ka jingpynbna paidbah kaba 06,Naitung 2017 ka long beit ha ka nongrim kaba khlem da pynshongnia bha,kum kaba khlem pom noh ia u dak 't' bad khlem buh dot ia u dak "i".Ka long kaba shisha ha ka jingbymdon ki daw

babiang,ym lah ban pynshongdor ia ka rai ban pynduh noh ia ka jingpynbna paidbah.

4.Wat la ia ka nongrim tynrai ba la kren ha ka parrgraph ba 8 jong ka rai ba la pynmih bad shon ha ka (1978) 1 SCC 405 (*Mohinder singh Gill.v.Chief Election commissioner*) la pyntlot noh mynta haba ia ka rai la shim,kaba pynmih ia ka jingjia ba sngewkhia ha kane ka phang,ban pynkylla biang ia ka hok kaba dei ban ai ha ki nongshahmudui hangne.Ka daw kaba khlain bad kaba don nongrim la dei ban pyni, bad kum kine ki daw la dei ban don ha ka por ba shim ia ka rai,bad la dei ban phalang ha ka riti jingshim rai ban ia kaba pynmih ia ka jingmut ba seisoh ki riewpyntbit hadien habud.

5.Ka long kaba donkam eh ban ai ia ka daw kaba biang ha kane ka bynta,khamtam eh na ka bynta ki lad ba dei peit ban thew ban woh, la ia ki kam barit baria la leh bymsalia lane ki jingbakla ki la rung ha ki thied jong ka riti treikam kat haduh ba kin shah jop ia ka jingthmu babha jong ka jingpyntreikam.

6.Da kumno kumno ruh, ka paw ba ym don jingkitkhlieh ha ka kam ba la leh da ka sorkar.Lada ka long ka jingthurmur jong uno uno u briew kaba wanrah ia kat kane ka jingbakla bakhraw,kat haduh ba hap ban pynkylla ia ka jingtrei kam baroh kawei,wat hadien ba la pyndep lut ia ka kam bad shisnem hadien ba la sdang ia ka jingthungkam, ia uta uba donkti la dei ban kynnoh bad ia ka jingsiew bad kiei kiei kiba mih na kata ka jingbakla la dei ban pyrshang ban sngewthuh.Hynrei kam sngew shongnia ban khmih lynti ia kum kita ki jingkitkhlieh ha kaba iadei bad ka riti treikam kiba la ju pyniaid ha kane ka Ri.

7.Ka la long ha kajuh ka rukom ba la pyniaid ia kane ka jingbishar kaba mynta na ka bynta ka kynhun-nongmudui.Namar ba ym don eiei ban pynshisha ia ka rai ba la pyni ha ka paragraph ba 4 jong ka jingphah jingtip,ka Tribunal kan ym lah

ban rai da kumwei palat ban ia kaei kaba la pyni ha ka paragraph ba 9 jong ka hukum kren pyrshah (impunged order) kaba mih ha ka 24,Rymphang 2020.

"9.Hadien ba la khmih bniah ia kitei ba la kdew haneng na baroh ki liang ngi shem ba ka jingleh ki nongshahmudui kiba don ha ka bor,ban pynduh noh ia ka jingthung kam kaba mih na ka jingpynbna paidbah jong ka 06.07.2017,hadien ba la dep lut nadong shadong ka long ka bym shonghok,kaba sniew na ka liang ka ain,bad ka long pyrshah ia ka nongrim tynrai jong ka bishar khadar bahok.Kane ka long ka jingpynkhein ia ka nongrim tynrai jong ka jingkhmih lynti ba dei hok jong ki nongiashim bynta ne ki nongwad kam.Ki nongshahmudui kiba don ha ka bor ki khlem buh hakhmat ia ki nongrim jong ki daw ba shongnia ban pynduh ia ka jingiaid shakhmat jong jingthungkam,khamtam lei lei haba ym don kano kano ka jingpyrshah ha kano kano ka liang.Da kaba buh hakhmat ia kane ka jingpynbna No.12012/16/2018-NE kaba mih ha ka 27.09.2018 ha kaba ka Ministry ka pynduh pyndam noh ia ka jingpynbna paidbah kaba 06,Naitung 2017 ha kaba iadei bad ki nongiashim bynta ha ka jingthung kam,bad ha kaba iadei bad ka jingtyrwa ban pynbna paidbah biang ia ki kam ba lait la weng bad pynduh noh.Ki nongmudui ki dei ban pynbna ia ki result jong ka jingthung kam thung jam kaba dep leh,hapoh shibnai na ka tarik ba mih kane ka hukum.Lada kine arngut ki nongiashim bynta ne nong apply ki long kiba bit ba biang,dei ban ai noh kloia ia ka shithi thung kam ia ki ."

8.Ka kynhun nongmudui ka lah dei ban sngewthuh ba ym don nongrim ban iada ia ka na ka jingleh kaba la rem lypa da kaba pynduh noh ia jingpyniaid thung kam thung jam hadien ba la dep rai,nalor ba ym don kano kano ka daw naduh basdang ban pynsangeh ia ka.Ka paw shai ba kane ka mukotduma ka long kaba lah ban kiar.Shuh shuh kam long ruh kaba donkam ia u shakri sorkar ban pynlut pisa ha kum kine ki jait mukotduma,lane ban pynsyrrwa ei ia ka por jong ka iingbishar khlem da don ka nongrim kaba biang.Kane ka rukom leh baroh kaba la leh da kum kine ki briew ki bymdon jingkitkhlieh ka long tang ban shu bret ia ka jingkitkhlieh

ha ka iingbishar bad ka jingbymtreh hadien kata ka long barabor ba wat hapdeng ka jingpyrshang babha jong ki kim lah ban iaaid lait na ka bor ka iingbishar.

9.Shisha,ka paw ba ka don kaei kaei kaba kham palat kaba pyniohi halor kane ka phang,kynthup ia ka daw kaba lah ban long ba ym don jingsngew ne jingbysuitniew ia ki nongiashim bynta kiba la poi sha ka thong ha kane ka jingthung kam.

10.Haba ym don nongrim kaba biang ban pynshisha ia ka jingpynduh noh ia ka jingthung kam thung jam ha kaba iadei bad ki kam ba lait ha kaba ki nongshahmudui ki la long kiba la shah jied,bad kata ka jingpdian ia ki ka shong ha ka Tribunal ban rai halor kane ka phang,bad ia kane ka rai la shim bad bishar da ka Tribunal hapoh ka bor jong ka ban khmih biang ha kane ka kyrdan,kam pyni ei ei ba ka don ka jingbakla.Ka rai ba la ai,kaba mih da kaba pynshongnongrim halor ki jingshisha ba la buh hakhmat ka Tribunal kam pynlyngngoh ei ei ia ka mynsiem jingiatiplem jong kane ka iingbishar na ka bynta ban peit bad tuklar ia katei ka phang.

11.Ia ka mukotduma WP(C) NO.50/2022 la kyntait, ryngkat bad ka dor ba la khein kaba long 50,000 /-(Sanphew hajar tyngka) kaba dei ban siew marryngkat sha ki nongshahmudui.Ka sorkar pdeng bad ka NEIGRIHMS kan leh bha da kaba shim ia ka dor jingsiew na ka pla jong u ne ki nongtrei kiba na ka daw ka jingleh jong ki la jia kine kiei kiei baroh.

(W.Diengdoh)
Nongbishar

(Sanjib Banerjee)
Nongbishar bahakhliehduh

Meghalaya
23.03.2022