

HIGH COURT OF MEGHALAYA

AT SHILLONG

WP(C) No. 50 of 2022

Ge'etaniko on'ani tarik: 23.03.2022

The Union of India & Anr. Vs. Monaliza Lyngdoh Mawphlang & Anr

Jeni mikkango mamlako ra'a:

Mandera'ako man'na kragipa Mr. Justice Sanjib Baneerjee, Skotong Bichal Ka'gipa

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

Mikkang Pagiparang:

Bi'enggpiana/Mol'molgipana : Mr. K. Paul, Sr. Adv. un baksana
Mr. S. Thapa, Ukil

Warachakgipana : Mr. S.P. Mahanta Sr. Adv. un baksana
Mr. M. Lyngdoh, Ukil

- i) Law Journals ba uandakgiparango Ra·chakaha
u·iatanina ra·chakaniko dakahama?
- ii) Chapa ka·atanina ra·chakniko Ra·chakaha/Ra·chakkuja
dakahama:
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RAI ON'ANI : (Mandera'ako man'na kragipa Skotong Bichal Ka'gipa-ni gita) (Ku'sikchi poraiatgipa)

Ia bi'aniara, warachakgipa dolrangni Tribunal-ni mikkango mamla segategipana Central Administrative Tribunal (CAT), Guwahati Bench-ni February 24, 2020 tariko on'gipa ge'etanini kosako mamla ka'egipa ong'a. Warachakgipa dolni CAT-ona duknirangko ra'anganide uan, North Eastern Indira Gandhi Regional Institute of Health and Medical Sciences (NEIGRIHMS)-o July 6, 2017 tariko advertisement-ko ka'aha aro uana chu'soken kamrangko

matchotataha. Tribunal-ni mikkango bi' aniko dakgiparang sakgni apsan dake general medicine-o aro gynaecology-o Associate Professor dake sakprakan biaptangona donatako man'aha. Ia pilak ka'gimin kamrangko September 27, 2018 tariko Ministry of Health and Family Welfare-ni (NE Section) NEIGRIHMS-ni Director-na u'iataniko on'atanichi rangsan kragija dingtanganiko dakataha.

2. July 6, 2017 tariko kamna ong'katatgipa advertisement-ni bidingo September 27, 2018 tariko nangchapgipa u'iataniko on'e indake paragraph 4-o janape on'aha.

“4. 06.07.2017 tarikni advertisement-ko ra'gale bon'ataha. Ia kamrangna advertise ka'taianiko daknaba gnang.”

3. Ia u'iataniko Union-ni under-secretary-chi watataniko dakaha. Ian namen mikrakatbeani ong'aha maina ia kamko skatang mamung a'selko janapgija maini bidingo bilsisana skang a'bachengate matchotani ja'mano aro kamna kragipa manderangko seokani ja'mano rakkigija bon'chongdikaniko dakahachim. Badiaba a'selrango advertisement-ko on'anio maiba nangchongmotgipa lekka-poraani gadangko mesokanio gualanirang dongchangegnaba gnang ba indakgipa a'selrango kam ka'anganiko champengataniko man'engnaba gnang. Indake mamung jajaani grian July 6, 2017 tariko on'gipa advertisement-ko bon'chongdikanina skatang nambea a'selrangko on'gija dakangaha ine nikaha aro uano 't'-ko mesokanio salsretani dongjaha ba 'i'-oba su'totani dongjaha. Chongmotan, a'selrang donggijanio, advertisement-na kra'gipa janapanirangko mesoke bon'atgijanio iano chanchianiko dakna namen neng'nikataniko on'aha.

4. (1978) 1 SCC 405 (*Mohinder Singh Gill v. Chief Election Commissioner*)

–ni mamlana raiko u'iataniko dakchina on'gipani paragraph 8-o niamko talataniko dakgenchimoba, da'o bilgriatako man'aha. Jensalo maiba chanchianiko dakanio maiba dal'bea obostarangona sokata jekai iano ong'enggipa mamla gita ong'a, unon iano warachakenggipa dolna pakwatgimin bilko dakgrupiltaina neng'ani ong'a. Iana bilakgipa aro krabegipa a'selrangko mesokachi dakna nanga aro uandakgipa a'selrang chanchianiko ra'gatmiting somoio dongna aro mesokna man'na nanga. Maiba kamko ka'gipani gisikona nabaako ja'man ka'a gita ong'na nangja

5. Chonbegipa kamrangko namjripatna ba dakgualani ba ong'gija daksretaniko ja'pangona re'ange chu'gimik ong'gijaniko amsrangna man'genma man'jawa uko jinmani a'damona chanchie nianiko dakatna sikgenchimode, iandakgiparangna a'selrangko mesokna namen nangchongmota.

6. Je dakgipaba ong'china, Government-ni jaktango kamko ra'e ka'anio mamung dosko ra'aniko nikbrejaha. Chubatgipa mandeni ning'o maibadake kam ka'gipani simsakgijanio dal'bea gualanirangko dakgenchimode, pilak dakgimin kamrangko a'bachengataoni bilsisani ja'manonaba chu'gimik donna nangao ga'akgen; indiba je mandean gualaniko dakahachim uni kosako matnanganirangko ra'bana nanggen aro dakgualanina man'gniko on'na nanggen jedakode gualaniko ma'sina man'gen. Indioba, ia a'songo nirok sandiani kamko chalaianirango indakgipa matnanganirangna dosko ra'aniko chanchiatna nangja.

7. Apsan bewalon ia ong'enggipa mamlako, bianiko dakenggipa-dolrangni palo mamla ka'aniko jako ra'angaha. Nangchapgipa u'iatanini paragraph 4-o chanchianiko dakanina kakket ong'aniko mesokna mamung talataniko on'ani dongjani gimin Tribunal-ni February 24, 2020 tariko ong'gipa ge'etani jekon mongsong ra'bianiko dakengachim, uni paragraph 9-o mesokgipana agre chanchianio mamung seaniko janapaniko nikjaha:

“9. Gimikni gita kosako janapgiminrangko nianirangko dakani ja'mano, chinga, warachakgipa dolrangni 06.07.2017 tariko ong'gipa advertisement-o manderangko kamna okame kam ka'e matchotman'ani ja'mano bon'ataniko kakket ong'nikjaha aro uamangni kamrang ong'telaigipa niamoba ong'jaha ine nikaha. Ian niam gita kamna galgiminrangni kadongsoaniko bnekataha. Warachakgipa dolni manderang darangnikoba dingtangmancha jegalaniko man'jaoba, ia kamna ra'aniko bon'chongdikatanina mamung kragipa a'selrangko ra'bajaha. Iarangko nianiko dake, Notification No. 12012/16/2018-NE tarik 27.09.2018 jechin Ministry advertisement tarik 06.07.2017- o kamna galgiminrangko bon'chongdikatachim aro post-rangna advertise ka'taina janapachim uako iano ra'gale galata aro bon'ata. Warachakgipa dolrangko kam gale porikka ra'giminni result-ko ia ge'etaniko man'ani tarikni jasani ja'man parakchina hukum on'aha. Maibakai, iano sakgni mamla ka'giparang man'na kragiparang ong'genchimode uamangko seokani (appointment) chittiko ta'rake on'china ge'etaha.”

8. Bi'aniko dakenggipa dolrang uamangni kamna manderangko ra'e matchotman'o bon'chongdikatanina warachakna amgijagipa ong'a ine ma'sienggenchim; mongsongbate, ia mamlako segatna skangan a'selrangko on'na man'jachim. Ia ong'enggipa bi'aniko namedaken gelna man'genchim. Changsatai, iana mamla ka'na ske ka'e roania sorkarini ning'o kam ka'gipana mamung dakeba tangka paisao bon'angani dongjaha aro mamung ja'pang ja'dil gri Kacharini somoiko bon'ate roaha. Ia pilak dakaniranga kamko ka'gipani chanchigija Kacharina tangka on'a dakani kamsa ong'aia aro iani ja'man uamangni dontonggniko u'isamsona man'na maina uamang jegita name kamko ka'angna jotton ka'genchimoba Kacharini ge'etanini kosako re'na gita man'jawa.

9. Beben, ia mamlao mikronchi nikgrikana agreba maiba nangnikani gnanganiko nika, mongsongbate kam gale chu'sokaniko man'giparangna maiba gisiko chanchichakani donggijako nika.

10. Seoka man'gimin warachakgipa dolrangni post-rangna bon'chongdikatanio mamung a'selrangko talate mesokani dongjani gimin, jrimbee chanchianiko dakna Tribunal- ni jako ga'akeaha; jekon kacharini-ni gita nianiko dakanio bang'gijasan sakkirangko man'aiaha aro una mamung gualaniko nikbrejaha. Iana chanchianiko on'ania chongmot ong'gipa obostarangko Tribunalo on'ea pangchakesa dakaha aro ian Kachariko mamung dakeba jagokatjaha aro iarangna dakataniko champengna nangnikaniko nikjaha.

11. WP (C) No. 50/ 2020 - ni mamlako sakgni warachakgipa manderangna tangkako apsangrik suale ra china gong hajal 50,000/-ko gamate mamlako jegale matchotataniko dakaha. Union aro NEIGRIHMS ia tangkarangko man pilna uamangni re branganggipa kam ka tingipa mande ba manderangoniko man pilna kamko ka na man gen jeni a selan ia pilak obostarangko ong ataha.

(W. Diengdoh)
Bichal Ka gipa

(Sanjib Banerjee)
Skotong Bichal Ka gipa