



Serial No.24
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 423 of 2024

Date of Decision: 06.08.2025

Md. Amad Uddin Laskar,
S/o Md. Anwar Uddin Laskar,
R/o & P.O. Buribail Part-III,
P.S.Borkhola, District, Cachar,
Assam.

...Petitioner

-Versus-

1. The State of Meghalaya, represented by its
Commissioner and Secretary of Law,
Shillong.
2. The Meghalaya Public Service Commission
represented by its Secretary,
Lower Lachumiere, Shillong.
3. Shri. Shimon Nongrum Shullai,
Resident of Bisnupur, Shillong,
East Khasi Hills District,
Meghalaya.

...Respondents

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge

Appearance:

For the Petitioner/Applicant(s) : Mr. D.Hynniewta, Adv.

For the Respondent(s) : Ms. R.Colney, GA for R 1.
Mr. K.Paul, Sr. Adv. with
Ms. K.Decruse, Adv. for R 2.
Mr. S.Shullai, R 3 (In person).



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| i) | Whether approved for reporting in Law journals etc: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |
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JUDGMENT AND ORDER (ORAL)

1. By the instant writ petition, a challenge has been made to the selection of the private respondent No. 3, on the ground that the said respondent lacked experience and practice in criminal law which has been listed as a preference in the criteria for eligibility for appointment to the post of Assistant Public Prosecutor in the office of the Directorate of Prosecution, Meghalaya.

2. Mr. D.Hynniewta, learned counsel for the petitioner has submitted that the petitioner being eligible, had applied for the post of Assistant Public Prosecutor and on being found suitable was called for screening test and interview by the respondent No.2. However, he submits the respondent No. 3, who did not possess any experience and who obtained his LLB Degree only in 2023 was selected, whereas, the petitioner had been practicing since the year 2013.

3. The learned Sr. counsel appearing for the respondent No. 2 (MPSC) has submitted that the respondent No.3 having scored higher marks was



recommended, and that the recommendation was in terms of the eligibility criteria prescribed in the advertisement itself.

4. The respondent No. 3 who has appeared in person has also adopted the submissions made by learned Sr. counsel for the respondent No. 2.

5. This Court on hearing the parties, by order dated 01-08-2025, had then directed for the records of the selection process to be produced by the respondent No. 2.

6. Today, when the matter has been taken up, the records as requisitioned, have been produced by the respondent No.2. This Court has perused the records and the Statement of Marks secured by candidates in the screening test and personal interview for the post of Assistant Public Prosecutor and it is seen that the private respondent No. 3 has secured more marks than the writ petitioner. As such, it is not a case wherein the petitioner and the respondent No.3 have secured identical qualifying marks or that they are similarly placed.

7. The relevant extract of the advertisement, at Para 2.1 is as follows:

***“MEGHALAYA PUBLIC SERVICE COMMISSION
LOWER LACHUMIERE, SHILLONG-793001.***

No. MPSC/ADVT-54/1/2023-2024/112 Dated, Shillong, the 12th October, 2023.



PARA 2: CONDITIONS OF ELIGIBILITY:

Qualification:

7.1 For the post of Assistant Public Prosecutor in the Office of the Directorate of Prosecution, Meghalaya.

(i) Degree in Law from a recognized University preferably with not less than 3 (three) years of experience and practice in prosecution of criminal cases in courts.

(ii) Candidate with records of successful prosecution of criminal cases in court will be preferable.”

8. As can be seen from the advertisement at Para 2.1, a Degree in Law from a recognized University is necessary; and preferably with not less than 3(three) years of experience and practice in criminal cases. The private respondent No .3 having scored more than the writ petitioner, the question therefore of looking at the preference criteria does not arise, as this clause would only be applied if, as observed above, both the candidates had secured identical scores or were similarly placed at the conclusion of the selection process.

9. As such, there being no irregularity or illegality in the selection process, the writ petition is therefore not entertained and is accordingly dismissed.



10. Records to be returned to the respondent No. 2 immediately.

Judge

Meghalaya
06.08.2025
"Samantha PS"