



Serial No.11
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 425 of 2023

Date of Decision: 06.08.2025

Smti. Dashimti Kharkongor,
D/o Smti. Sara Kharkongor,
R/o New Kench's Trace, Bishnupur
Shillong, East Khasi Hills District,
Meghalaya.

...Petitioners

-Versus-

1. The Meghalaya Public Service Commission,
Represented by its Secretary,
Government of Meghalaya, Shillong.
2. The Secretary,
Meghalaya Public Service Commission.
3. The Director,
Directorate of School Education and Literacy,
Department of Education,
Government of Meghalaya.
4. Smti. Alvarinea Nongsiej,
D/o (L) D.R.Marbaniang,
R/o Mawlai Motsyiar,
East Khasi Hills District.
5. Shri. Aidorlang Ryngksai,
C/o The Meghalaya Bharat Scouts and Guides,
State Headquarters- Pinemount Ridge,
Shillong – 1.

...Respondents



Coram:

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

Appearance:

For the Petitioner/Applicant(s) :	Mr. P.Yobin, Adv. Ms. B.Ramsiej, Adv.
For the Respondent(s) :	K.Paul, Sr. Adv. with Ms. K.Decruse, Adv. for R 1 & 2. Mr. A.H.Kharwanlang, Addl. Sr.GA for R 3. Mr. T.T.Diengdoh, Sr. Adv. with Mr. R.Kharsyad, Adv. for R 4. Mr. B.Deb, Adv. for R 5.

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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. Heard Mr. P.Yobin, learned counsel for the petitioner, as also Mr. K.Paul, learned Sr. counsel assisted by Ms. K.Decruse, learned counsel for the respondents No. 1 & 2, Mr. A.H.Kharwanlang, learned Addl. Sr. GA for the respondent No. 3, Mr. T.T.Diengdoh, learned Sr. counsel assisted by Mr. R.Kharsyad, learned counsel for the respondent No. 4 and Mr. B.Deb, learned counsel for the respondent No. 5.



2. The grievance as projected in the instant writ petition concerns the selection process that has been adopted with regard to the post of State Organizer (Scouts and Guides). The main case of the writ petitioner is founded on the premise that the private respondents No. 4 & 5, though not being eligible for the said post and inspite of their applications being rejected initially, were permitted to take part in the selection process and have since been appointed as State Organizer (Scouts and Guides).

3. Mr. P.Yobin, learned counsel for the writ petitioner has submitted that the petitioner has filed this instant writ petition on coming to the knowledge through various RTI applications that the respondents No. 4 & 5, especially the respondent No. 4, lacked the required experience as mandated by the advertisement. He further submits that the acceptance of the candidature of the respondents No. 4 & 5 being illegal, the selection process is thus vitiated and has prayed that the entire recruitment process be set aside and also for directions for inquiry against the candidature of the private respondents No. 4 & 5.

4. Mr. K.Paul, learned Sr. counsel assisted by Ms. K.Decruse, learned counsel on behalf of the respondents No. 1 & 2, has at the outset raised objections as to the maintainability of the writ petition and has submitted that what has been impugned is only the selection process, when infact the



private respondents have since been appointed by an order dated 20-12-2023, and are also in service. It is further submitted that the writ petitioner herself does not have any locus to challenge the selection process in view of the admitted fact that she also was not an eligible or qualified candidate. On this ground alone, he submits the writ petition is devoid of any merit.

5. Mr. A.H.Kharwanlang, learned Addl. Sr. GA for the respondent No. 3, has drawn the attention of this Court to the advertisement dated 14-11-2019, and has submitted that the applications were to be received by 23-12-2019, whereas by the petitioner's own admission, a certain criteria to be eligible i.e. to be a holder of Himalayan Wood Badge, was not obtained by her till the year 2023. As such, he submits that the petitioner clearly being ineligible could never have taken part in the selection process, least of all, to challenge the same. He further submits that if the writ petitioner was genuinely aggrieved with the rejection of her representation, and the acceptance of the representations filed by the private respondents, the same should have been agitated at the relevant point of time and not at such a late stage.

6. Mr. T.T.Diengdoh, learned Sr. counsel assisted by Mr. R.Kharsyad, learned counsel for the respondent No. 4 and Mr. B.Deb, learned counsel for the respondent No. 5, have supported the submissions made by the learned



Sr. counsel for the respondents No. 1 & 2 and also the learned Addl. Sr. GA for the respondent No. 3, and submits that the petitioner not being eligible in the first instance, lacks any locus to challenge the recruitment process, and with their appointments having not been challenged, the writ petition is also incompetent as on their appointment, the private respondents have been visited with civil consequences and have since accrued valuable rights.

7. On hearing the learned counsel for the parties and also on examination of the materials on records, notwithstanding the other submissions made with regard to the ineligibility, an examination of the pleaded case of the writ petitioner shows that by a notice dated 24-10-2020, the candidature of the writ petitioner was rejected due to not having the experience as required in the advertisement. Further, the writ petitioner, on the acceptance of the candidature of the private respondents on their representations, has also not assailed the same, though the acceptance of their representations was as far back as on 24-11-2020. The culmination of the recruitment process, it is seen has resulted in the appointment of the private respondents by an appointment order dated 20-12-2023, this too, has not been put to challenge by the writ petitioner. As such, without dwelling into the merits of the case, in the totality of the circumstances, the writ petitioner clearly not being eligible in the first instance, therefore, has no locus to challenge the selection process as it is not even a case of a candidate who has participated in the selection



and has turned around and challenged the same. The writ petitioner, by her own actions in not assailing the impugned appointment order or the acceptance of the candidature by the respondents No. 1 &2, has clearly waived and acquiesced any rights she might have, coupled with the fact that she was ineligible at that relevant point of time.

8. For the foregoing reasons, there being no merit in the writ petition, the same is accordingly dismissed.

Judge