

HIGH COURT OF MEGHALAYA
AT SHILLONG

Review Pet.No.3/2018

Date of Order: 31.07.2018

All Meghalaya Primary Schools Teachers Association & ors Vs. State of Meghalaya & ors

Coram:

Hon'ble Mr. Justice Mohammad Yaqoob Mir, Chief Justice
Hon'ble Mr. Justice S.R. Sen, Judge

Appearance:

For the Petitioner/Appellant(s) : Dr. A Saraf, Sr.Adv with
Mr. KV Kharlyngdoh, Adv

For the Respondent(s) : Mr. H Kharmih, GA

i)	Whether approved for reporting in Law journals etc.:	Yes/No
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ii)	Whether approved for publication in press:	Yes/No
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ORAL:

1. Instant review petition is filed by the petitioners (so far untainted candidates) who were selected and appointed as against the posts of Assistant Teacher.

2. Large number of candidates were selected. Un-selected candidates challenged the whole selection process. There had been rounds of litigations, finally, while disposing of the bunch of appeals conclusions were drawn, which include a conclusion that the whole selection process is vitiated as such annulled subject to a condition i.e. only the candidates who have been treated as untainted/unblemished both in the reports of CBI and HLSC who are in service were directed to be allowed to continue as stop-gap arrangement until fresh selection takes place.

3. The judgment dated 02.11.2017 rendered by the Division Bench of this Court in bunch of appeals/writ petitions was challenged by medium of various SLPs before the Hon'ble Apex Court which include

SLP (C) Diary No.40348 of 2017 filed by the untainted candidates. The said SLP has been disposed of by the Hon'ble Apex Court in the following manner:-

“Grievance of the petitioners is that they were not heard by the High Court. If it is so, they are at liberty to move the High Court within two weeks from today so that the High Court may hear their grievance, if they were not heard earlier. After hearing the parties, it will be open to the High Court to pass any further order in accordance with law.”

4. In view of the said order, All Meghalaya Primary Schools Teachers Association & ors have filed the instant petition which essentially is on behalf of 101 untainted candidates. The grievance projected by them is that when the reports of CBI as well as HLSC found their selection and appointment as untainted then, there could be no reason for not giving them permanent appointment. Therefore, the direction to the effect that they shall be retained in service till fresh selection is initiated, is not in tune with the requirement of law.

5. During the course of hearing, it was made clear that a case has also been registered by CBI regarding the selection process which is separately monitored. There was a time frame for concluding the investigation which till date has not fructified necessitating extension of time for completion of the investigation. Finally, the investigation of the case may have some bearing *vis-à-vis* rights of the petitioners either in positive or negative.

6. Incidentally, learned senior counsel Mr. VK Jindal, who is the standing counsel for CBI is present in the Court when asked stated that the investigation is in progress, time has been extended for completion of the investigation. However, he was asked to file latest status of the investigation of the case wherein, it shall be clearly indicated as to whether any adverse evidence or any allegation *vis-à-vis* selection of 101 candidates (so far untainted candidates) has been collected, he seeks two weeks' time, granted. List of 101 candidates (untainted candidates) be supplied to him by the learned counsel for the petitioner. Copy of this

order be furnished to the learned counsel for the parties including learned counsel appearing for the CBI.

7. Post on 30.08.2018.

(S.R. Sen)
Judge

(Mohammad Yaqoob Mir)
Chief Justice

Meghalaya
31.07.2018
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