



Serial No. 03
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 344 of 2018

Date of Order: 27.09.2021

Dr. Shailendra Kumar & Ors.

Vs. Union of India & Ors.

Coram:

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

Appearance:

For the Petitioner(s) : Mr. A. Das, Adv. with
Mr. A. Singhvi, Adv.

For the Respondent(s) : Dr. N. Mozika, ASG with
Ms. T. Sutnga, Adv.

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

ORAL

1. Matter taken up via Video Conferencing.
2. Pursuant to the order dated 07.04.2021 passed by this Court, the respondent No. 1 has issued policy guidelines relating to posting of Specialist and GDMOs with PG qualifications in CAPFs and Assam Rifles and the same is contained in communication No. MHA ID No. 45025/06/2018-Pers. I dated 23rd July, 2021 a copy whereof has been submitted to this Court and is accordingly treated as part of the record and marked as 'X'.
3. Learned counsel for the petitioner Mr. A. Das, submits that with the issuance of the new policy guidelines, the grievances of the



petitioners have been largely addressed except for the question of permitting lateral entry of GDMOs into the Specialist cadre. Learned counsel submits that if this issue is addressed, the petitioners will no longer have any grievance against their service entitlements. As such he prays that directions be issued to the respondents to consider or reconsider this aspect.

4. Dr. N. Mozika, learned ASG assisted by Ms. T. Sutnga, learned counsel for the respondents submits that this issue has been taken into consideration in the policy decision itself wherein it has been decided that GDMOs with PG qualifications will be treated at par with the Specialist for the purpose of their postings to ensure maximum utilization of their specialization. He further submits that it must be kept in mind that the GDMOs attained specialization while in service at the expense of the State, whereas the Specialists who come into service were already pre-qualified as Specialists.

5. Be that as it may, in view of the compliance of the respondents to the order of this Court, where the matter has been reconsidered and policy guidelines issued, this writ petition is disposed of at this stage, however with liberty accorded to the petitioners, to make a fresh representation with regard to the lateral entry of GDMOs with PG into a common Specialist cadre.

6. With the above observations, the writ petition stands closed and disposed of.

7. No order as to costs.

JUDGE

Meghalaya
27.09.2021
"V. Lyndem-PS"