
(2014) 03 MEG CK 0008
In the Meghalaya High Court
Case No : W.A. No. 23 of 2011

Costering Khyllep

APPELLANT

Vs

The State of Meghalaya

RESPONDENT

Date of Decision : 10-03-2014

Acts Referred:

Citation : (2014) LabIC 2957

Hon'ble Judges : Prafulla C. Pant, C.J.;Sudip Ranjan Sen, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Prafulla C. Pant, C.J.—This writ appeal is directed against the order dated 11.03.11 passed by the learned Single Judge in WP(C) No. 3 of 2008 whereby the Court has dismissed the writ petition. Heard the learned counsel for the parties and perused the record.

2. The brief facts of the case are that in order to fill up fifteen Grade-IV posts in the four Departments of West Khasi Hills District of the State of Meghalaya, advertisement was made in the year 2005, and after the examination was held the select list of seventy nine candidates said to have been prepared. From the select list, not only fifteen vacant posts were filled up but the life of the select list was extended from time to time and the Government made appointments from the said list thirty nine more candidates. The present writ appellants are the candidates who stood at Sl. 55 to Sl. 79 of the list.

3. The writ petition No. WP(C) 3 of 2008 was filed by forty two candidates (including present writ appellants) who till date of filing the writ petition did not receive appointment letters. Out of the said forty two candidates, twenty four more persons were given appointment letters during the pendency of the writ petition, thereafter, the life of the select list came to an end. In the above circumstances, the learned Single Judge dismissed the writ petition vide impugned order dated 11.03.11. Hence this appeal.

4. Admittedly, only fifteen posts of Grade-IV were advertised in the year 2005 for filling up the vacancies in the Offices of the Deputy Commissioner, Nongstoin, District Statistics Officer, Nonstoin, Assistant Registrar of Cooperative Societies, Nongstoin, and Principal, DIET, Nonstoin. It is not disputed that the select list was prepared after test was held and the names of the writ appellants figured at Sl. 55 to Sl. 79. It is also not disputed that no one junior to the writ appellants has been given appointment.

5. It is a settled principle of law that, merely figuring the name in the select list does not entitle a person to get appointment letter. Right to a person in the select list accrues only when someone below merit has been given appointment. It is not the case of the writ appellants that any one junior to them was given appointment, as such, we do not find any infirmity in the impugned order passed by the learned single Judge in dismissing the writ petition.

6. It is relevant to mention here that from Para-7 of the affidavit filed by the Chief Secretary of the State, shows that the life of the merit list came to an end in the month of March, 2009 as it was not further extended.

7. Having heard the learned counsel for the parties and after going through the papers on records, we are of the view that the authorities concerned should have advertised the vacant posts every year. The writ appellants failed to show to us that the life of the select list can remain valid even after 2009, under any rule after the examination was held in the year 2005, as such, we are unable to pass any order directing the respondents to give appointment to the writ appellants, who are at the bottom of the waiting list of 2005. Therefore, we do not find any force in this appeal. Accordingly, the appeal is dismissed. No order as to cost.