
(2025) 06 MEG CK 0343
In the Meghalaya High Court
Case No : Writ Petition (C) No. 473 Of 2021

Fulbidora Kharlyngdoh

APPELLANT

Vs

State Of Meghalaya & Ors.

RESPONDENT

Date of Decision : 19-06-2025

Acts Referred:

Citation : (2025) 06 MEG CK 0343

Hon'ble Judges : W. Diengdoh, J

Bench : Single Bench

Advocate : T. Dkhar, H.L. Shangreiso, K.P. Bhattacharjee, S. Bhattacharjee, S. Shyam, Dr. N. Mozika, R. Fancon

Final Decision : Dismissed/ Disposed Of

Judgement

W. Diengdoh, J

1. This is a case where the petitioner has made a prayer to set aside and quash the order dated 16.12.2020, whereby her service as Assistant Teacher in the Langja Government L.P. School was terminated. The second limb of her prayer is for a direction to the concerned authorities to regularise her service as the said Assistant Teacher of the said school and finally, to allow her to face the Meghalaya Teacher Eligibility Test (MTET) examination by relaxing her age.

2. The case of the petitioner is that she was appointed as a substitute teacher at Langpih Govt. L.P. School and also at Langja Govt. L.P. School against a sanctioned post of leave vacancy on a temporary basis for a period of 59 days w.e.f. 01.07.2007 with due approval of the competent authorities. Her appointment in this manner was renewed from time to time for every 59 days' period till her last appointment vide office order, copy of which was also issued upon the petitioner being Memo No. SDSEON/APPT-164/2018/1355-60 dated Nongstoin, the 19th October, 2020, such appointment being valid from 19.10.2020 to 15.12.2020.

3. That the Deputy Inspector of Schools, Nongstoin in his letter dated

07.01.2009, had recommended the petitioner to be appointed against a sanctioned post which was rendered vacant on the voluntary retirement of the incumbent. However, in view of the coming into effect of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) from 01.04.2010, the condition and criteria for appointment as Assistant Teacher in Lower and Upper Primary Schools in the State has been notified, therefore the recommendation was not processed.

4. In the meantime, the petitioner had filed a representation dated 31.05.2016 before the Director of School Education and Literacy, Meghalaya with a prayer for regularisation of her service as Assistant Teacher at Langja Government L.P. School, West Khasi Hills District, Nongstoin. Receiving no response to the said representation, the petitioner had filed another similar representation on 30.07.2018.

5. The SDSEO vide letter dated 27.11.2018 has made a proposal to the Director of School Education and Literacy, Meghalaya to consider regularisation of the services of the petitioner but here too, there seems to be no response from the concerned authorities.

6. The petitioner was therefore compelled to file a writ petition before this Court being WP(C) No. 264 of 2019 seeking direction for regularisation of her service in the said school. This Court vide order dated 22.07.2019 had disposed of the said writ petition by directing the concerned authority/respondent No. 2 therein to take a decision on the said representation within two months. Accordingly, the respondent/Director had disposed the said representation vide order dated 23.11.2019 rejecting the prayer, but has however, allowed the petitioner to participate in the selection process as and when such post is advertised.

7. It is also on record that the petitioner has once again filed another writ petition before this Court being WP(C) No. 487 of 2019 apparently seeking a direction for regularisation of her services. The writ was soon disposed of vide order dated 24.09.2021 on the prayer of the petitioner to withdraw the petition, since in course of such proceedings, she was issued with the order of termination of service, and as such, the petition has become infructuous. However, leave was granted to the petitioner to challenge the said termination order. Hence this petition.

8. Mr. T. Dkhar, learned counsel for the petitioner has reiterated that the petitioner was continuously serving as Assistant Teacher for more than 12(twelve) years, which fact was not denied by the respondents, as such, her service or rather her claimed for regularisation is covered by the case of Secretary, State of Karnataka & Ors v. Umadevi(3) & Ors reported in (2006) 4 SCC 1, para 53.

9. In this regard, the learned counsel has also cited the case of Blandar Syiemlieh v. State of Meghalaya & Ors, wherein vide order dated 19.02.2019, passed in WP(C) No. 188 of 2018, this Court has directed the authorities

concerned to regularise the services of the petitioner therein as Assistant Teacher on the ground that he has put in more than 25 years of service.

10. The learned counsel, however, has admitted that the assertion of the respondents that the petitioner has thereafter taken part in the selection process which was initiated upon the post of Assistant Teacher being advertised is correct to the extent that she was called for the personal interview with the anticipation that her services would be regularised, but she was never considered for the said post apparently for not having passed the MTET. She should have been considered taking into account her length of service as a teacher, the case of Umadevi (*supra*) being applicable to her, further submits the learned counsel.

11. Mr. K.P. Bhattacharjee, learned GA for the State respondent Nos. 1-4, in his response, has submitted that this is the third round of litigation initiated by the petitioner before this Court for the same purpose i.e. for consideration of her regularisation as Assistant Teacher. Along the way, the case of the petitioner was considered and representations were attended to and suitably disposed of, by rejecting her prayer for regularisation. However, the petitioner has approached this Court for the second time through writ petition being WP(C) No. 487 of 2019, but the same was withdrawn as infructuous since by then, her services have been discontinued vide relevant notifications.

12. The learned GA has also submitted that in this case, the petitioner has assailed the order of the I/c Sub-Divisional School Education Officer, Nongstoin dated 19.10.2020, wherein the services of the petitioner as Assistant Teacher were made valid only with effect from 19.10.2020 to 15.12.2020, and thereafter, her services were not extended any further, which according to her, amounts to her being terminated from service. However, it was contended that the petitioner's last temporary appointment was only for a period of 58 days, and such temporary arrangement not being extended, the petitioner has no vested right to be appointed or regularised.

13. The contention of the petitioner that she was in continuous service for more than 10 years or so, cannot be accepted as the records wherein her letters of appointment are found, would reveal that she was appointed purely on temporary and contractual basis for a period of 59 days at a stretch with intervals in between, further submits the learned GA.

14. The learned GA has also laid stress on the fact that pursuant to the direction of this Court vide order dated 22.07.2019(*supra*), the petitioner was allowed to participate in the selection process which was initiated pursuant to the related advertisement dated 04.06.2020. Having chosen to take part in such selection process and was even called for personal interview, she failed to qualify, and as such, since she has not challenged the said selection process at any point of time, she cannot now approach this Court with this petition, seeking relief by reverting to a previous situation, *vis-à-vis*, her prayer for regularisation.

15. It is also the submission of the learned GA that having participated in the

said selection process and not being selected, the petitioner has lost her previous rights to claim regularisation of her service on the basis of her past service, her action being barred by the doctrine of res-judicata and the principle of estoppel. Not having come before this Court with clean hands, the petitioner cannot seek enforcement of the extraordinary power of this Court in writ jurisdiction. This petition is liable to be dismissed as devoid of merits which may be done so, further submits the learned GA.

16. This Court on consideration of the contention and submission made by the learned counsel for the parties, the respondent Nos. 5 & 6 choosing not to participate in the hearing, the facts and circumstances of the case of the petitioner as well as that of the State respondents being found adequately illustrated from the narration made hereinabove, the same need not be repeated.

17. Without going into unnecessary details, the case of the petitioner is for regularisation of her service as Assistant Teacher, Langja Government L.P. School, West Khasi Hills District where she had last served from 19.10.2020 to 15.12.2020.

18. Her services not being extended beyond 15.12.2020, she had accordingly approached this Court, inter alia, with a prayer seeking regularisation. However, as could be seen from the records, particularly the production of the relevant papers pertaining to the selection process initiated vide advertisement dated 04.06.2020, it is evident that on the said advertisement, notice being floated calling for applications from eligible candidates to apply for the post of Assistant Teacher in Lower Primary

Schools and Upper Primary Schools respectively, special consideration was made as regard the candidature of the petitioner to allow her to participate in the process. In this connection, it would be proper to reproduce a communication No. DSEL/EL/GA/MISC-14/PF/2010/558 dated Shillong, the 19th August, 2020 which is done so herein below as:

"OFFICE OF THE DIRECTOR OF SCHOOL EDUCATION AND LITERACY,
MEGHALAYA :::: SHILLONG

No. DSEL/EL/GA/MISC-14/PF/2010/558, Dtd. Shillong, the 19th August, 2020.

From

:

Shri. L.S. Lyngdoh,

Dy. Director School Education & Literacy,

Meghalaya, Shillong

To

:

The Sub-Divisional School Education Officer, Nongstoin, West Khasi Hills.

Subject

:

Applications for the post of Asstt. Teacher in Govt. L.P. School.

Reference

:

No. SDSEON/APPT/2/2015/270, Dt. 02/07/2020

Sir,

In reference to the subject and Letter No. cited above, it is hereby advised that as directed vide Court Order Dt. 11.11.2014 of Smti Salbiona Dkhar and Govt. Letter No. EDN/CC-30/2019/26, Dt. 01.10.2019 of Smti Fulbidora Kharlyngdoh, the applicants may be allowed to participate the selection process

Hence, the applications in Standard Form alongwith relevant papers of the incumbents are returned herewith for further necessary action from your end.

Sd/-

Yours faithfully

Dy. Director School Education & Literacy,

Meghalaya, Shillong."

19. In due course, vide office order dated 26.11.2020, the Deputy Commissioner, West Khasi Hills District, Nongstoin, had constituted the Interview Board pursuant to the said selection process to select the successful candidates. It may be mentioned that the authorities concerned has issued a list of eligible candidates, the name of the petitioner figured at Serial No. 134. Thereafter, amongst the candidates who were interviewed for the post on 14.12.2020, the petitioner has also appeared for the said interview, her attendance being seen at Serial No. 116 of the list.

20. To know the fate of the petitioner as to whether she was successful or not, this Court is also drawn to the document marked as 'CLARIFICATION' annexed with the said affidavit dated 11.04.2025, wherein in the last para of the same, particular mention has been made to the case of the petitioner, extract of such is reproduced herein below:

"CLARIFICATION

Under the instructions vide letter No. DSEL/EL/GA/MISC-14/PF/2010/558, dt. 19.9.2020, the petitioner, Smt. Fulbidora Kharlyngdoh declared as eligible candidate and allowed to participate the selection process (appear the interview) for the post of Assistant teacher conducted during the month of December 2020

but not qualified. Copies enclosed. Annexure 3, 4 & 5.

Sd/-

I/c Sub-Divisional School Education Officer,

Nongstoin.”

21. Apparently, the petitioner has failed to secure a place as one of the successful candidates in the merit list, and as such, she could not have been appointed, her case for regularisation in the light of such subsequent circumstances cannot be sustained.

22. In view of the above, this Court is convinced that the petitioner has not been able to make out a case for consideration by this Court. This petition is found to be devoid of merits and dismissed as such.

23. Petition disposed of. No costs.