



Serial No. 02-11
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No.174 of 2024

Date of Hearing: 04.12.2025

Date of Decision: 28.01.2026

Smti. Baiantimon Blah
Daughter of Late Shri. B. Swer
Resident of Wahingdoh Block 3,
Shillong-793001, Meghalaya

.....**Petitioner**

-VERSUS-

1. State of Meghalaya represented by Chief Secretary,
Govt. of Meghalaya, Shillong.
2. Secretary, Personnel & A.R.(A) Department,
Government of Meghalaya, Shillong
3. Dr. Twinkle Suhasini R. Marak, MCS
Deputy Secretary, Health & Family Welfare Department &
Joint Director, Meghalaya Administrative Training Institute
(MATI), mawdiangdiang, Meghalaya-793018
4. Dr. Wilford Challang R. Marak, MCS
Additional Deputy Commissioner,
South Garo Hills District, Baghmara
5. Smti. Ripamchi N. Sangma, MCS
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South West Garo Hills District, Ampati
6. Shri. Tennystar R. Marak, MCS
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14. Smti. Rojalinda D. Shira, MCS
Additional Deputy Commissioner,
Raksamgre (Civil) Sub-Division
15. Smti. Florina Boro, MCS
Additional Resident Commissioner,
Meghalaya House, 9 APJ Abdul Kalam Road,
New Delhi-110011.

.....Respondents

WP(C) No.175 of 2024

Shri Shanborlang Warjri
Son of Shri. G. Speaker Swer,
Resident of Umpling, Dongsharum
Shillong-793006, Meghalaya

.....Petitioner

-VERSUS-

1. State of Meghalaya represented by Chief Secretary,
Govt. of Meghalaya, Shillong.
2. Secretary, Personnel & A.R.(A) Department,
Government of Meghalaya, Shillong



3. Shri. Tennystar R. Marak, MCS
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Raksamgre (Civil) Sub-Division
12. Smti. Florina Boro, MCS
Additional Resident Commissioner,
Meghalaya House, 9 APJ Abdul Kalam Road,
New Delhi-110011

.....Respondents



Shri Ronnieson Wahlang,
Son of Shri. P. Warjri
Resident of Mawlai Mawroh,
Shillong-793008, Meghalaya.

.....Petitioner

-VERSUS-

1. State of Meghalaya represented by Chief Secretary,
Govt. of Meghalaya, Shillong.
2. Secretary, Personnel & A.R.(A) Department,
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North Garo Hills District, Resubelpara



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15. Smti. Florina Boro, MCS
Additional Resident Commissioner,
Meghalaya House, 9 APJ Abdul Kalam Road,
New Delhi-110011.

.....Respondents

WP(C) No.177 of 2024

Shri. Peter Tremi Passah
Son of (L) F. Laloo
Resident of mooralong Moomon, near K. Rymbai
Petrol Pump, Ladthlaboh, Jowai-793150, Meghalaya.

.....Petitioner

-VERSUS-

1. State of Meghalaya represented by Chief Secretary,
Govt. of Meghalaya, Shillong.
2. Secretary, Personnel & A.R.(A) Department,
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Additional Deputy Commissioner,
Raksamgre (Civil) Sub-Division
11. Smti. Florina Boro, MCS
Additional Resident Commissioner,
Meghalaya House, 9 APJ Abdul Kalam Road,
New Delhi-110011.

.....Respondents

WP(C) No.178 of 2024

Shri. Ferdinand Banteilang Basan,
Son of Shri. Silverius Syiemlieh
Resident of Mawlai Umshing, Umjapung,
Shillong-793022, Meghalaya

.....Petitioner

-VERSUS-

1. State of Meghalaya represented by Chief Secretary,
Govt. of Meghalaya, Shillong.
2. Secretary, Personnel & A.R.(A) Department,
Government of Meghalaya, Shillong



3. Dr. Wilford Challang R. Marak, MCS
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Additional Deputy Commissioner,
Raksamgre (Civil) Sub-Division
14. Smti. Florina Boro, MCS



Additional Resident Commissioner,
Meghalaya House, 9 APJ Abdul Kalam Road,
New Delhi-110011.

.....Respondents

WP(C) No.179 of 2024

Smti. Dahunlang Veronica Lyngdoh,
Daughter of Shri Henry Dominic Lakadong,
Resident of Laitkor Rngi, Sohiong A,
House No.8, Shillong Meghalaya.

.....Petitioner

-VERSUS-

1. State of Meghalaya represented by Chief Secretary,
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North Garo Hills District, Resubelpara

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Additional Deputy Commissioner,
Raksamgre (Civil) Sub-Division
14. Smti. Florina Boro, MCS
Additional Resident Commissioner,
Meghalaya House, 9 APJ Abdul Kalam Road,
New Delhi-110011.

.....Respondents

WP(C) No.180 of 2024

Shri. Mark Andrew Challam,
Lympyngad, Near MSPCB Office,
Nongthymmai, Shillong-793014, Meghalaya

.....Petitioner

-VERSUS-

1. State of Meghalaya represented by Chief Secretary,
Govt. of Meghalaya, Shillong.
2. Secretary, Personnel & A.R.(A) Department,
Government of Meghalaya, Shillong
3. Shri. Tennystar R. Marak, MCS
Additional Deputy Commissioner,
North Garo Hills District, Resubelpara
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Raksamgre (Civil) Sub-Division
12. Smti. Florina Boro, MCS
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New Delhi-110011.

.....Respondents

WP(C) No.181 of 2024

Smti. Yvette Risa Mawlong, Daughter of
(L) Dr. Lurshai Roi Lyngksor, Resident of
Nongrim Road, Laithumkhrah Shillong-793003

.....Petitioner

-VERSUS-



1. State of Meghalaya represented by Chief Secretary,
Govt. of Meghalaya, Shillong.
2. Secretary, Personnel & A.R.(A) Department,
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3. Shri. Tennystar R. Marak, MCS
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Raksamgre (Civil) Sub-Division
12. Smti. Florina Boro, MCS
Additional Resident Commissioner,
Meghalaya House, 9 APJ Abdul Kalam Road,
New Delhi-110011.



.....Respondents

WP(C) No.182 of 2024

Shri Gautam Warjri
Son of (L) Pankach Mandal
Resident of Majai, Shella-Bholaganj C&RD block
East Khasi Hills District,
Shillong-793107, Meghalaya

.....Petitioner

-VERSUS-

1. State of Meghalaya represented by Chief Secretary,
Govt. of Meghalaya, Shillong.
2. Secretary, Personnel & A.R.(A) Department,
Government of Meghalaya, Shillong
3. Shri. Tennystar R. Marak, MCS
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Additional Deputy Commissioner,
West Garo Hills District, Tura



10. Smti. Dimseritha A. Sangma, MCS
Additional Deputy Commissioner,
East Garo Hills District, Williamnagar
11. Smti. Rojalinda D. Shira, MCS
Additional Deputy Commissioner,
Raksamgre (Civil) Sub-Division
12. Smti. Florina Boro, MCS
Additional Resident Commissioner,
Meghalaya House, 9 APJ Abdul Kalam Road,
New Delhi-110011.

.....Respondents

WP(C) No.183 of 2024

Shri Labiangbha Trevor Tariang
Son of Late Dr. M.T. Khyriem
Resident of Mawlai Nonglum, TSS Road, Block-4
Shillong-793008, Meghalaya

.....Petitioner

-VERSUS-

1. State of Meghalaya represented by Chief Secretary,
Govt. of Meghalaya, Shillong.
2. Secretary, Personnel & A.R.(A) Department,
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3. Dr. Twinkle Suhasini R. Marak, MCS
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Additional Resident Commissioner,
Meghalaya House, 9 APJ Abdul Kalam Road,
New Delhi-110011.

.....Respondents



Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S. Jindal, Adv

For the Respondent(s) : Mr. N.D. Chullai, AAG with
Ms. R. Colney, GA
Mr. S.A. Sheikh, GA
Mr. K.P. Bhattacharjee, GA
Mr. A.G. Momin, Adv with
Ms. L.D. Sangma, Adv

JUDGMENT AND ORDER

1. This set of ten writ petitions involving common issue and praying for same relief is taken up together for disposal on being consented by the learned counsels appearing for the parties.

2. The challenge made by the petitioners in all the writ petitions is against the gradation list dated 22.08.2022, published by the State respondent wherein the names of the private respondents are placed above the petitioners. The principal ground raised by the petitioners is that since they were placed above the private respondents in the select list dated 07.09.2010 prepared in order of merits, their name should have been placed above the private respondents in the gradation list dated 22.08.2022, in terms of Rule 16 (4) of the Meghalaya Civil Service Rules, 1975 (herein after referred to as the MCS Rules).

3. The relevant facts, as can be derived from the materials on record, is that pursuant to the advertisement dated 22.11.2006 and holding of selection process thereof by Meghalaya Public Service Commission (MPSC) for recruitment to the Meghalaya Civil Services (MCS), a select list in the descending order of merit was published on 07.09.2010 indicating



a total of 74 successful candidates. Thereafter, initial appointments of 40 candidates were made to the Junior Grade of MCS on 01.12.2010 in accordance with the prevailing reservation criteria and merit. A further 11 candidates were appointed as Junior Grade MPS on 08.12.2010 basing also on the reservation criteria and merits. The validity of the select list dated 07.09.2010 was extended from time to time till 09.05.2012. While the private respondents in the present case were appointed in the year 2010 to the Junior Grade of MCS, all the petitioners came to be appointed to the same post much later in the year 2012 vide notification No. PER.56/1010/293 dated 08.05.2012.

4. It is contented on behalf of the petitioners that the gradation list dated 22.08.2022 setting out the seniority of the members of the MCS was required to have maintained the seniority that was established through the original merit list dated 07.09.2010. Merely because the private respondents have received appointment earlier in the year 2010 than the petitioners who were appointed in the year 2012, cannot be a valid ground for placing the private respondents above the petitioners in the gradation list. The attempt of the State-respondent to determine seniority on the basis of appointment as opposed to determining seniority on the basis of the original merit list, as required under Rule 16 (4) of the MCS Rules, is against the established norms of law. The decision dated 26.09.2023 passed in *WA No.30 of 2023, Smt. Krishpilla T. Sangma v. State of Meghalaya* has been placed in support of the above contention.

5. Per contra, as pointed out on behalf the respondents, it transpires that the question of inter-se seniority between the petitioners and the private respondents stood finally adjudicated by this High Court in the common Judgment dated 10.02.2022 in WP(C) No. 301 of 2018, WP(C) No.302 of 2018 and WP(C) No.306 of 2018 wherein it was specifically held that the 2010 recruits to the entry-level post have to be regarded as senior to the



2012 recruits to the same entry-level post, irrespective of whatever future considerations may arise in determining their cases for promotion to the next level. While coming to the aforesaid conclusion, it was observed in the said Judgement that the examination was one, but appointments were made in several tranches; not as a part of the same recruitment process but under discrete process. The Judgement further held that in 2012 a seniority list was prepared and, in such list, the persons recruited in the year 2010 and the persons recruited in the year 2012 were clubbed together for determination of inter-se seniority among them which was patently absurd and completely without any element of rationality and logic. It was also said in the Judgement that when two sets of appointments are so distinct and different in points of time as in 2010 and 2012, there is no question of apples and oranges being put in the same basket for the inter-se seniority of two distinct classes of persons to be attempted to be ascertained.

6. There is no dispute to the fact that the petitioner and the private respondents herein were parties to the WP(C) No. 301/302/306 of 2018 and that no challenge was made to the said Judgement dated 10.02.2022 before any higher forum by any of the parties.

7. The material on record reveals that in terms of the Judgement dated 10.02.2022, a gradation list of the members of the MCS was published and circulated vide notification No. PER.31/2018/151 dated 04.03.2022 by the State respondent by placing the private respondents above the petitioners. Thereafter, the State respondent issued two notifications being Notification No. PER.99/90/Pt.I/181 dated 07.03.2022 and Notification No. PER/99/90/Pt.I/223 dated 28.07.2022 promoting some of the members of the MCS who had been serving in the Junior Grade, including the petitioners and the private respondents herein, to the Senior Grade Time Scale of the MCS by placing the private respondents above the petitioners. The petitioners have not made any challenge to the gradation list dated



04.03.2022 and the above notifications dated 07.03.2022 and 28.07.2022 in the present set of writ petitions.

8. Rule 23 of the MCS Rules, 1975 requires that the seniority of members of the Service promoted to the Senior Grade Time Scale should be in the order in which their names are arranged by the Selection Board under sub-rule (2) of Rule 22 for the purpose of promotion to that grade. In the present case, there is no grievance raised by the petitioners that the order of names in the notifications of promotion has not been indicated in accordance with sub-rule (2) of Rule 22 or that the gradation list dated 22.08.2022 was not prepared in terms of Rule 23 of the MCS Rules. It is, therefore, clear that the issue raised by the petitioners in the present writ petitions is essentially with regard to the fixation of seniority in terms of Rule 16(4) stemming from the select list dated 07.09.2010, which already stood finally settled by this High Court in the Judgement dated 10.02.2022 rendered in WP(C) No.301/302/306 of 2018. As the decision of a coordinate bench is binding on the subsequent bench, the issue raised by the petitioners cannot be re-agitated before this bench. Any order passed at the instance of the petitioners in the instant matter will have the effect of interfering with the Judgement dated 10.02.2022. The case laws cited on behalf of the petitioners, thus, are of no help to the petitioners.

9. In view of the above, the writ petitions filed by the petitioners cannot be entertained by this court and the same are hereby dismissed as not maintainable. No costs.

Judge

Meghalaya
28.01.2026
"Shrity,PS"