



Serial No.03
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 342 of 2025

Date of Decision: 06.05.2026

1. Shri. John J.R.Marak Danggo,
Assistant Inspector of Excise,
O/o the Commissioner of Excise,
Shillong, East Khasi District,
Meghalaya.
2. Shri. Anthony Rema Marak,
Assistant Inspector of Excise,
O/o the Sub-Divisional Officer,
Excise Branch Amlarem Sub-Division,
East Jaintia Hills,
Meghalaya.
3. Shri. Madrid R. Marak,
Assistant Inspector of Excise,
O/o the Commissioner of Excise,
Baghmara, South Garo Hills District,
Meghalaya.
4. Shri. Clinton A. Sangma,
Assistant Inspector of Excise,
O/o the Superintendent of Excise,
Williamnagar, East Garo Hills,
Meghalaya.

...Petitioners

-Versus-

1. State of Meghalaya through the Chief Secretary
to the Government of Meghalaya, Shillong.
2. The Commissioner of Excise,
Government of Meghalaya, Shillong.



3. The Deputy Commissioner of Excise,
HQ, Commissionerate of Excise,
Shillong.
4. The Assistant Commissioner of Excise,
HQ, Commissionerate of Excise,
Shillong.
5. The Meghalaya Public Service Commission
through its Secretary, Lachumiere,
Shillong.

...Respondents

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. Philemon Nongbri, Adv.
Mr. E.Lalsangluaia, Adv.

For the Respondent(s) : Ms. N.G.Shylla, Sr. GA with
Ms. Z.E.Nongkynrih, GA for R 1-4.
Ms. B.F.Kharwanlang, Adv. for R 5.

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| i) | Whether approved for reporting in
Law journals etc: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |
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JUDGMENT AND ORDER (ORAL)

1. The writ petitioners, who are stated to be presently working as Assistant Inspectors of Excise, being aggrieved with the impugned advertisement No. 06/2024, dated 19-12-2024, whereby 12(twelve) posts of



Inspector of Excise have been advertised exclusively for direct recruitment, are before this Court by way of the instant writ petition.

2. It has been submitted by the learned counsel for the petitioner that the advertisement had been issued in complete violation of Rule 7(1) (c) of the Meghalaya Excise (Subordinate) Service Rules, 2010, which mandated that on any year, 50% of the vacancies to the post of Inspector of Excise shall be filled up by promotion from amongst eligible Assistant Inspectors of Excise and the remaining 50% through direct recruitment. It is submitted that the advertisement having advertised the entire 12(twelve) posts for filling up by way of direct recruitment is liable to be interfered with.

3. However, it is further submitted that in the course of the proceedings, an affidavit has been filed by the respondent No. 2 whereby, by a communication dated 19-03-2026, it has been stated that the Government has reviewed the matter and the relevant provisions under Rule 7(1) (a) (b) (c) of the Meghalaya Excise (Subordinate) Service Rules, 2010, and decided that the 12(twelve) vacant posts be filled up as per the provision under Clause (c) of Rule 7 (1) of the aforesaid Rule. Learned counsel submits that in view of this development, the instant writ petition can perhaps be disposed of by allowing the respondents to modify the advertisement and to consider the promotion of eligible Assistant Inspectors of Excise for 50% of the vacancies. It is further prayed that in view of the fact that the advertisement



was issued on 2024, only those Assistant Inspectors of Excise who were eligible as on that date should be considered for promotion.

4. Ms. N.G.Shylla, learned Sr. GA for the respondents No. 1-4, has also concurred to the submissions with regard to the development that has transpired pursuant to the letter dated 19-03-2026, and also submits that on this development, the writ petition can be disposed of by allowing the respondents to recommence the recruitment process.

5. On hearing the learned counsel for the parties, it is first noted that Rule 7(1) of the Meghalaya Excise (Subordinate) Service Rules, 2010, has clearly provided as follows:

“7. Method of recruitment – (1) Inspector of Excise- Recruitment to the post of Inspector of Excise shall be made-

(a) By promotion from amongst the Assistant Inspectors of Excise, who have rendered not less than five years of continuous service in such capacity on the first day of the year in which the selection is made, and who have passed the prescribed Departmental Examination and have successfully undergone the prescribed course of training; and

(b) By direct recruitment on the result of the Competitive Examination conducted by the Commission.

(c) The proportion of vacancies to be filled up in any year in accordance with clause (a) and clause (b) above shall be fifty percent (50%) by promotion, and fifty percent (50%) by direct recruitment.”



6. A perusal of the above quoted Rule, therefore, would make it mandatory that the proportion of vacancies be filled up in any year at 50% by promotion and 50% by direct recruitment. Accordingly, on the submissions of the parties and the stand taken by the respondents vide letter dated 19-03-2026, and as per the provision of the Rule, this writ petition is disposed of by allowing the respondents to recommence the recruitment process and by taking appropriate steps strictly in accordance with law.

7. Writ petition accordingly stands closed and disposed of.

Judge