ITEM NO.35 COURT NO.10 SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).20323/2011

(From the judgement and order dated 14/06/2011 in WA No. 56/2009 of The HIGH COURT OF GUWAHATI ,ASSAM)

NELSON KHARNABI & ANR Petitioner(s)

VERSUS

STATE OF MEGHALAYA & ORS. Respondent(s)

(With prayer for interim relief)

Date: 09/08/2011 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Mr. Vineet Dhanda, Adv.
Mr. J.P. Dhanda, A.O.R.[Not present]

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

Feeling aggrieved by refusal of the learned Single Judge and the Division Bench of the Gauhati High Court to entertain their prayer for issue of a mandamus to the respondents to appoint them in the Meghalaya Police Service on the basis of selection held in 2003, the petitioners have filed this petition under Article 136 of the Constitution.

We have heard learned counsel for the petitioners and carefully perused the record. It is not in dispute

that the select list prepared by the Meghalaya Public Service Commission in December 2003 was valid only for a period of one year. Therefore, it is not possible to find any fault with the view taken by the High Court that a writ of mandamus could not be issued in 2008 directing the respondents to appoint the petitioners on the basis of the select list prepared in 2003.

The High Court was also right in observing that the petitioners cannot get relief qua the so-called less meritorious persons because none of them was impleaded as party to the writ petition.

For the reasons stated above, the special leave petition is dismissed.

(A.D. Sharma) (Phoolan Wati Arora)

Court Master

Court Master