



Serial No.26
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 633 of 2025

Date of Decision: 23.02.2026

No. 192875 Naib Subedar/GD
(General Duty) Madan Kumar Sinha,
aged about 56 years,
S/o Late Mani Raj Sinha,
presently serving as Naib Subedar GD
(General Duty) at 42nd Assam Rifles
C/o 99 APO, Pin-932042.

...Petitioner

-Versus-

1. Union of India represented by the
Secretary the Government of India,
Ministry of Home Affair,
New Delhi-110001.
2. The Director General, Assam Rifles,
Head Quarter Directorate General,
Assam Rifles Shillong-11.
3. The Commandant 42nd Assam Rifles,
C/o 99 APO,
Pin 932042.

...Respondents



Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. V.Kumar, Adv.
Ms. P.Chettri, Adv.

For the Respondent(s) : Dr. N.Mozika, DSGI with
Ms. M.Myrchiang, Adv.

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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 petitioner being aggrieved with denial in promotion from the rank of Naib Subedar/GD to the rank of Subedar/GD had represented through a legal notice dated 04-01-2024, and the respondent authority vide letter dated 08-02-2024, had informed that the petitioner's promotion to the rank of Subedar/GD was not recommended due to the lack of ACR benchmark for the years 2016 and 2018 respectively. It is the case of the petitioner that no such adverse entries in his ACR for the said years was ever communicated to him as required in the law, and as such, the action of the respondents upon the uncommunicated ACR is uncalled for.



2. At this juncture itself, this Court notes that this case is covered by judgments rendered in a series of matters that have appeared before this Court, wherein directions have been issued for communication of the adverse entries for the said years in question. The learned counsels for the parties are also in agreement with the observation of this Court and also pray that the instant matter be disposed of by a similar order.

3. In this view of the matter, writ petition is disposed of with the following directions.

- i) The respondent authorities are directed to formally communicate the entries made in the ACR for the period 2016 and 2018, to enable the petitioner to make a representation, within a period of 1(one) month after receipt of the same thereof.
- ii) The representation so presented will thereafter be decided positively within a month thereafter, taking into account the relevant parameters for consideration of promotion.

4. It is further provided that should the entries be upgraded in consideration of the representation taking into account the petitioner's earlier track record, the respondent authorities shall constitute a review DPC for grant of the consequential reliefs, if any on the basis of the above. The



entire exercise shall be completed within a period of 5(five) months from the date of receipt of the representation.

5. With the above directions, this writ petition is allowed to the extent indicated above and is accordingly disposed of.

Judge