



Serial No. 14
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Review Pet. No. 4 of 2018

Date of Decision: 23.09.2019

Shri. Samiul Islam Vs. Smti. Moushomia Begum & Ors.

Coram:

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

Appearance:

For the Petitioner(s)/Appellant(s) : Mr. A.S. Siddiqui, Adv.
For the Respondent(s) : Mr. H.L. Shangreiso, Adv. for R 1.
Mr. H. Kharmih, GA. for R 2-7.

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

ORAL

1. Heard learned counsels for the parties.
2. The ground for review as set out by the review petitioner is that this Court vide order dated 11.04.2018 passed in WP(C) No. 201 of 2017 had directed the State respondents to release the salary of the writ petitioner with effect from 1st January, 2015 till date on the ground that she was duly appointed by the School Managing Committee and her appointment was provisionally approved by the respondent No. 7 vide letter dated 17.01.2017.
3. The review petitioner who is the Headmaster-cum-Secretary of the Managing Committee had approached the respondent No. 7 for release of the salary, but it transpired that the provisional approval accorded to the respondent No. 1 was without the knowledge or approval of the higher authorities. As such, the review petition has been preferred with a prayer that the order dated 11.04.2018 be modified in view of the facts as portrayed.



4. Ms. A.S. Siddiqui, learned counsel on behalf of the review petitioner has drawn this Court's attention to the letter dated 23.02.2017, whereby the appointment of the petitioner as an Assistant Teacher in language subject was cancelled and the appointment approved only to the extent of Assistant Teacher (4th non-sanctioned) post. He further submits that since the appointment of the respondent No.1 as Language Teacher was cancelled, a new dimension has appeared in the case, which has necessitated the modification of the order dated 11.04.2018.

5. Mr. H.L. Shangreiso, learned counsel appearing on behalf of the writ petitioner in WP(C) No. 201 of 2017, who has been arrayed as the respondent No. 1 in the instant review petition, submits that nothing new has been brought on record to warrant any modification or recall of the order sought for review. He submits that all the facts that are sought to be placed were available with the petitioner at the time before the matter was disposed of by the Court on 11.04.2018. He further submits that the review petition therefore, not being maintainable in its form and no new grounds having been made out, the same should be rejected.

6. Mr. H. Kharmih, learned GA appearing on behalf of the respondent No. 2-7 has submitted that from the part of the Government as per the direction contained in the order dated 11.04.2018 passed in WP(C) No. 201 of 2017, the funds as due to the school has been released for three sanctioned teachers and submits that the distribution or the allocation is the responsibility of the Managing Committee itself.

7. Having heard the learned counsels for the parties and in consideration of the materials as placed on record, I see no reason or justification for recall or modification of the order, inasmuch as, on facts, nothing new has been brought on record and the suppression or misinterpretation of facts as alleged by the review petitioner can only be a subject of other proceedings, which may be pursued if so desired by the review petitioner.



8. For the foregoing reasons noted above, the review petition is accordingly dismissed.

Judge

Meghalaya
23.09.2019
"D. Nary, PS"

