



Serial No. 08
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 339 of 2021

Date of Decision: 15.09.2023

Shri. Mokul Hossain Bepari & 3 Ors. Vs. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. K.P. Bhattacharjee, Adv.

For the Respondent(s) : Mr. H. Abraham, GA.

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |

JUDGMENT (ORAL)

1. Heard Mr. K.P. Bhattacharjee, learned counsel for the petitioner and Mr. H. Abraham, learned GA for the State respondents.

2. The learned counsel for the petitioners has submitted that the petitioners herein are the founding members of the Popular Govt. Aid U.P School, Gandhimari, West Garo Hills District, Meghalaya, which was founded in the year 1997. Subsequently, in the year 2000, the school started receiving Government grant in the form of grant-in-aid for an amount of ₹ 72,000/- per annum (Rupees seventy two thousand) and at the



time of filing of this instant writ petition, an amount of ₹ 7,92,000/- per annum (Rupees seven lakhs ninety two thousand) was disbursed to the school regularly. The said grant-in-aid is supposed to form part of the salary of the teachers of the school, which includes the petitioners herein.

3. The learned counsel for the petitioners further submits that in due course, out of a total of six teachers of the said school, the junior most teacher that is, the respondent No. 7 herein, had taken over himself the power to draw and disburse the salary, wherein he had illegally formed an Adhoc Managing Committee on 10.10.2019 which was duly approved by the government, such action being done without the knowledge of the petitioners herein.

4. On the strength of such power as Drawing and Disbursing Officer (DDO), the respondent No. 7 has been drawing the said grant-in-aid, but has failed to disburse the salary due and payable to the petitioners with effect from 01.09.2019 to 28.02.2021. It is also the submission of the learned counsel that a detailed breakup of what is due and payable to the petitioners is found at paragraph 4 of this petition, reference being made to Table 'A' and Table 'B' therein at page 12 & 13 respectively. The same being reproduced herein below:

**TABLE A**

Sl. No.	Particulars of salary	Amount actually due as per sanction (Rs)	Total (Rs)	Amount paid (Rs)	Total due (Rs)
1.	Mokul Hossain Bepari (Headmaster) salary w.e.f. 1.9.2019 to 28.2.2021	18000/- p.m x 18 mts	3,24,000/-	Nil	3,24,000/-
2.	Mozammel Hoque (1 st Assistant Teacher)	16000/- p.m x 18 mts	2,88,000/-	1,86,000/-	1,02,000/-
3.	Regina Begum (2 nd Assistant Teacher)	16000/- p.m x 18 mts	2,88,000/-	1,38,000/-	1,50,000/-
4.	Asia Khatun (3 rd Assistant Teacher)	16000/- p.m x 18 mts	2,88,000/-	1,76,720/-	1,11,280/-
Grand Total			11,88,000/-	5,00,720/-	6,87,280/-

**TABLE B**

Sl. No.	Particulars of salary	Amount actually due as per Managing Committee fixation	Total (Rs)	Amount paid (Rs)	Amount paid in Excess (Rs)
1.	Nur Hossain Khondokur salary w.e.f. 1.9.2019 to 28.02.2021	9030/- p.m x 18 mts	1,62,540	1,77,000/-	14,460/-
2.	Abdus Samad Sheikh salary w.e.f. 1.9.2019 to 28.02.2021	9020/- p.m x 18 mts	1,62,360	5,57,000/-	3,94,640/-
3.	Momirud Jaman Chowkidar	4,100/- p.m x 18 mts	73,800/-	96,000/-	22,200/-
Grand Total			3,98,700/-	8,30,000/-	4,31,300/-



5. In the meantime, while this petition is pending before this Court, certain developments have taken place, inasmuch as, the petitioner No. 1 who is said to be the senior most teacher, was given the power to draw the pending salary of the teachers till June, 2022. This is evident from the communication No. SDSEO-D/Draw&Disburse/2022/225, dated Dadenggre the 3rd June, 2022 annexed as Annexure-1 of the affidavit-in-opposition filed by the respondent No. 6/Sub Divisional School Education Officer/District School Education Officer, West Garo Hills District, Dadenggre to the Branch Manager (SBI), Chibinang Branch, West Garo Hills. The petitioner No. 1 is accordingly functioning as the DDO till date.

6. It is also the submission of the learned counsel that in the meantime, the government has disbursed the arrears of salaries on the strength of the said communication dated 3rd June, 2022 and further till date, the present salary of the teachers was also disbursed by the petitioner No. 1.

7. To this extent, the learned counsel for the petitioners has submitted that no grievance remains, however, what remains is the fact that the private respondent No. 7 has yet to release or rather to refund whatever is due and payable to the petitioners as far as their salaries are concerned with effect from 01.09.2019 to 28.02.2021 and in this regard, it



is prayed that the respondent No. 7 be directed to refund or pay the said amount due and payable to the petitioners herein.

8. Another prayer made by the petitioners is that the government may be directed to deposit the salary of the teachers out of the said related fund directly to their respective bank account.

9. Mr. H. Abraham, learned GA has also conceded with the submission made by the learned counsel for the petitioners as far as the action of the government is concerned, to the extent that the petitioner No. 1 has been given temporary charge as DDO to clear the pending dues vide the said communication aforementioned. It is also concurred that the government, has in the meantime cleared all the pending dues and the present salary has also been disbursed regularly. Therefore, as far as the government is concerned, the petitioners would no longer have any grievance against the same, submits the learned GA.

10. This Court has considered the submission made by the parties and has noted that the respondent No. 7 has failed to enter appearance in these proceedings, for which this Court vide order dated 10.06.2022, has directed that the respondent No. 7 be proceeded ex-parte.

11. As far as the submission made by the learned counsel for the petitioners relating to the prayer made in this petition, which have since



been complied with, nothing remains to be decided upon. However, as regard the prayer to direct the respondent No. 7 to refund the money drawn in excess or allegedly misused by him which corresponds to the said table as indicated above, the respondent No. 7 is hereby directed to refund the said amount, for which the petitioners are at liberty to take necessary steps in this regard. As far as the prayer made for disbursement of the salary directly to the bank account of the petitioners herein, this according to this Court is a procedural matter which should be decided by the government in accordance with the norms applicable. The petitioners are at liberty to approach the government in this regard.

12. In course of hearing, the learned GA has raised a pertinent point, questioning the action of the petitioner No. 1 as to whether the Managing Committee as was directed by communication dated 3rd June, 2022 was constituted or not. The learned counsel for the petitioners has stated at the bar that as far as his knowledge is concerned, the said Managing Committee has not been constituted.

13. Be that as it may, as far as this issue is concerned, the government is directed to issue fresh direction for constitution of the Managing Committee, which as and when it is constituted, will take charge of the affairs of the said school.



14. Consequently, the petitioner No. 1 will continue to function as DDO in terms of the communication dated 3rd June, 2022 till the Managing Committee is constituted.

15. In view of the above noted directions, this petition is accordingly disposed of. No costs.

Judge

Meghalaya
15.09.2023
"D. Nary, PS"

