

Serial No. 03-09
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 383 of 2017 with
WP(C) No. 264 of 2020
WP(C) No. 456 of 2021
WP(C) No. 460 of 2021
WP(C) No. 464 of 2021
WP(C) No. 119 of 2022
WP(C) No. 147 of 2022

Date of Order: 07.02.2023

Smti Nazila Begum Vs. State of Meghalaya & Ors.
Shri Nurul Amin Vs. State of Meghalaya & Ors.
Shri Joyan Ali Vs. State of Meghalaya & Ors.
Smti Shobuza Begum & Anr. Vs. State of Meghalaya & Ors.
Smti Shobuza Begum & Anr. Vs. State of Meghalaya & Ors.
The School Managing Committee Vs. State of Meghalaya & Ors.
Khetadhowa SSA UP School,
Bhaitbari
Shri Nurul Amin Vs. State of Meghalaya & Ors.

Coram:

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

Appearance: in WP(C) No. 383 of 2017

For the Petitioner(s) : Ms. S. Marpna, Adv.
vice Mr. S. Dey, Adv.

For the Respondent(s) : Mr. H. Abraham, GA (For R 1&2)
Ms. P. Agarwal, Adv. (For R 4)

Appearance: in WP(C) No. 264 of 2020

For the Petitioner(s) : Ms. P. Agarwal, Adv.

For the Respondent(s) : Mr. K.P. Bhattacharjee, GA (For R 1-3)
Ms. S. Marpna, Adv.
vice Mr. S. Dey, Adv. (For R 4)

Appearance: in WP(C) No. 456 of 2021

For the Petitioner(s) : Ms. S. Marpna, Adv.
vice Mr. S. Dey, Adv.

For the Respondent(s) : Mr. A.H. Hazarika, GA (For R 1-6)
Mr. N. Syngkon, Adv. (For R 7&8)

Appearance: in WP(C) No. 460 of 2021

For the Petitioner(s) : Ms. S. Marpna, Adv.
vice Mr. S. Dey, Adv.

For the Respondent(s) : Mr. H. Abraham, GA (For R 1-6)
Mr. N. Syngkon, Adv. (For R 7)

Appearance: in WP(C) No. 464 of 2021

For the Petitioner(s) : Ms. S. Marpna, Adv.
vice Mr. S. Dey, Adv.

For the Respondent(s) : Mr. K.P. Bhattacharjee, GA (For R 1-6)
Mr. N. Syngkon, Adv. (For R 7&8)

Appearance: in WP(C) No. 119 of 2022

For the Petitioner(s) : Mr. N. Syngkon, Adv.

For the Respondent(s) : Ms. I. Lyngwa, GA (For R 1&2)
Ms. S. Marpna, Adv.
vice Mr. S. Dey, Adv. (For R 3)

Appearance: in WP(C) No. 147 of 2022

For the Petitioner(s) : Mr. N. Syngkon, Adv.

For the Respondent(s) : Ms. I. Lyngwa, GA

1. The instant batch of writ petitions are all concerning the appointment of Teachers in Khetadhowa, SSA UP School, Khetadhowa. These cases have arisen as there are claims and counter-claims amongst (i) Shri Nurul Amin (ii) Smti Nazila Begum and (iii) Smti Shobuza Begum, claiming to be the sanctioned Teachers of the School. It is to be noted that as per the SSA norms, there are to be only 3 sanctioned Teachers in any particular School.

2. In this School as it appears from the records, and also from the materials as placed by the parties, 5 Teachers are in contention for the 3 sanctioned posts with their respective claims. In the course of time, and in the course of multiple writ petitions that have been filed, enquiries had also been conducted to ascertain as to the correct position as regards the status of the Teachers in the said School. In fact, 4 said enquiries were gone into on 03.10.2017, 06.02.2020, 02.03.2020 and 04.08.2021.

3. It is noted that by the last report dated 04.08.2021, the District Mission Coordinator, West Garo Hills District, Tura had rendered findings on the status of the Teachers, apart from cancelling the earlier reports. However, this report was also put to challenge, and another enquiry on the report dated 04.08.2021 was conducted by the

Administrative Officer, SSA (E), Shillong, wherein the findings are as follows:-

“5. Remarks- On the above few facts highlighted above, it may be concluded that the detail Report submitted by Smti. Ela Begum, I/C District Mission Coordinator (SSA), West Garo Hills District, Tura Vide Letter Dt. 4.8.2021 is invalid, controversial and misleading. The action taken by the above officer is found to be unbecoming of the post and the responsibility she is holding to execute her official duties according to the rules and regulations prescribed by the Government.”

4. The findings arrived at, apart from observing that the said report dated 04.08.2021 was invalid, controversial and misleading, the action of the said Officer who conducted the said enquiry was also found to be unbecoming to the post she held, and in fact an explanation was also called for from the said Officer.

5. In the backdrop of this sordid state of affairs, this Court while hearing this batch of matters finds it impossible to adjudicate effectively, in view of the contradictory, inconsistent and unreliable reports, that have been furnished from time to time. It is therefore considered expedient and in the interest of justice and public interest, especially the children of the said School of the area, that a fresh inquiry be gone into, to ascertain the correct picture and also to fix responsibilities on the Officials, as also the Teachers who have caused this confusion.

6. It is therefore, directed that an inquiry into the affairs of the Khetadhowa, School from its inception and after it was put under SSA until date, be conducted by Dr. B.D.R. Tiwari, IAS, Commissioner & Secretary to the Govt. of Meghalaya, and the report be submitted within a period of 3(three) months from today.

7. It is made clear that the report should be furnished to this Court on its completion and after affording opportunities of hearing to all the affected persons.

8. List this matter on 10.05.2023.

JUDGE

Meghalaya
07.02.2023
"V. Lyndem-PS"

