

**Serial No. 01**  
**Supplementary List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WP(C) No. 132 of 2015

Date of Decision: 14.12.2023

Shri. Imam Md. Abu Alam Abdulla Vs. State of Meghalaya & 11 Ors.

**Coram:**

**Hon'ble Mr. Justice W. Diengdoh, Judge**

**Appearance:**

For the Petitioner/Appellant(s) : Mr. R. Debnath, Adv.

For the Respondent(s) : Mr. S. Sengupta, Addl. Sr. GA  
Mr. K.P. Bhattacharjee, GA (For R 1-5)  
Mr. R. Choudhury, Adv. (For R 9-11)  
Mr. S.D. Upadhaya, Adv.  
Ms. A. Synrem, Adv. (For R 12)

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

**J U D G M E N T**

1. The petitioner has approached this Court with this instant writ petition seeking clarification of the judgment and order dated 14.02.2014 passed by this Court in WP(C) No. 137 of 2010 and also for compliance of order dated 24.04.2015 passed in CONT. CAS(C) NO. 3 of 2015 arising out of WP(C) No. 137 of 2010.

2. The prayer made in this petition is for this Court to direct the respondent to release the salary of the petitioner along with DA from 01.03.2009 onwards as per Government sanction together with interest @ 12% p.a. and also to quash the letter No. HHSS/Sc-3/2015/3 dated 30.03.2015 issued by the Secretary of Hallidayganj Govt. Aided Secondary School.

3. Heard Mr. R. Debnath, learned counsel who has submitted that the petitioner was initially appointed as science teacher of Hallidayganj Govt. Aided High (now Secondary) School. The appointment order being issued by the Secretary of the said School vide order No. HHS/Apptt/Sc.Tr./94 dated 21.09.1994.

4. Reference was also made to the filing of a writ petition before this Court by the petitioner in connection with the illegal action of the respondent/Managing Committee, which petition was registered as W.P.(C) No. 168 (SH) of 2002. In that petition, the respondent 11/Headmaster herein filed a miscellaneous application before this Court being Misc. Case No. 134(SH) of 2002 and order dated 26.06.2002 was passed in their favour. However, this order was assailed before a Division Bench of this Court which after hearing the parties had passed the order dated 12.07.2002 in W.A. No 17(SH) of 2002 whereby the order dated 26.06.2002 was stayed and finally vide order dated 27.03.2003, the writ appeal was disposed of with a direction to the respondents to allow the petitioner to work as science teacher.

5. As far as the writ petition No. 168(SH) of 2002 is concerned, the same was finally disposed of on 28.03.2006 wherein by virtue of the said order the position of the petitioner was restored. This order was also

challenged by the respondents before the Division Bench of this Court in W.A. No.15(SH) of 2006 but this Court vide a common judgment dated 01.05.2008 upheld the order of the learned Single Judge in W.P.(C) No 168(SH) of 2002.

6. The learned counsel has further submitted that in the light of the relevant order of this Court and the Government sanction of the science grant meant for the science teacher, it can be confirmed that he is the regular science teacher of the said school.

7. However, in spite of the fact that the petitioner is the science teacher recognized by the Government, the respondent/Managing Committee has failed to pay the salary meant for him prompting the petitioner to file a contempt case before this Court, that is, the Shillong Bench of the Gauhati High Court (as this Court then was) being C.O.P.(C) No. 9 (SH) of 2009 and this Court vide Order dated 26.06.2009 had disposed of the same on the assurance of the respondents/Contemnor that one post from Deri Linda Persara Secondary School has been transferred to the Hallidayganj Secondary School to accommodate the respondent No. 12 herein. The respondent/Managing Committee has then disbursed the salary to the respondent No. 12 from the government grant but has however, withheld the salary of the petitioner.

8. Since the respondent/Managing Committee did not release the salary of the petitioner, he was therefore compelled to file another writ petition before this Court being W.P.(C) No. 137 of 2010. This Court vide order dated 14.02.2014 has allowed the said petition and has directed the State respondent to clear the dues of both the petitioners as far as their entitlement is concerned, in accordance with rules.

9. The learned counsel has again submitted that the petitioner has filed a review petition for review of the said order dated 14.02.2014 but the same was dismissed. Thereafter, a contempt petition was filed being CONT CAS(C) No. 3 of 2015 and this Court vide order dated 24.04.2015 while disposing of the contempt petition has observed that the petitioner is at liberty to seek clarification from the Court which has passed the order.

10. It is also submitted that the respondent/Managing Committee purportedly in compliance with this Court's Order dated 14.02.2014 in W.P.(C) No. 137 of 2010 has deposited a Bank Draft for ₹ 37,500/- (rupees thirty-seven thousand five hundred) only with the Registry of this Court as payment of the salary of the petitioner, however the amount stated therein is not the actual amount due and payable to the petitioner as arrear salary, the same being conveyed to the petitioner vide letter dated 30.03.2015.

11. The learned counsel has laid stress upon the fact that there are various sanction orders issued by the Government in the name of the petitioner indicating therein the amount sanctioned which when tallied comes to ₹ 4,77,125/- (rupees four lakh seventy-seven thousand one hundred twenty-five) only. The detailed list being cited at paragraph 12 of this petition.

12. The learned counsel has reiterated that the petitioner has since received his salary, however this petition is filed only with a prayer for release of the arrear salary.

13. On the part of the respondents No. 1 to 4 respectively, that is, the Officials of the Education Department in the Government of Meghalaya

said to be involved with the employment status of the petitioner as a science teacher of the said Hallidayganj Secondary School, Mr. S. Sengupta, learned Addl. Sr. GA has submitted that at the outset, the claim of the petitioner that he is a regular science teacher of the school is not founded on factual situation inasmuch as though the petitioner was appointed as the science teacher of the school on 21.09.1994, his services as such teacher was terminated since 15.03.1995.

14. It is further submitted that upon the petitioner being terminated, one Shri. S. Reza was appointed as the regular science teacher on 01.03.1995 till 28.02.1997. In the meantime, the petitioner was offered by the school to be appointed as an Additional Science Teacher which he had accepted till he was again terminated on 31.03.1998. The petitioner however continued to remain in service and claimed that he is the regular science teacher of the school.

15. It is also on record that the petitioner has then preferred a writ petition before the Shillong Bench of the Gauhati High Court (as this Court then was) being W.P.(C) No. 168(SH) of 2002 seeking to assert his claim that he is the regular science teacher of the school.

16. What is also noticed is that the respondent No. 12 herein, Smti. Ishmatara Rahman has also filed a similar writ petition before the court being W.P.(C) No 185 (SH) of 2002 also claiming that she is the science teacher of the same school, her appointment as such being confirmed vide appointment order dated 17.11.1997.

17. This Court on being aware of the unusual situation, had vide a common order dated 28.03.2006, in effect accepted the contention of the

petitioners in both the writ petitions and eventually had directed the State respondents to create another post of science teacher in the said school. The learned Addl. Sr. GA has, however, maintained that the status of the petitioner as an additional science teacher still remains as he had accepted the salary attached to such post as evident from the acquittance roll of the school.

18. The learned Addl. Sr. GA has submitted that as far as the Government is concerned, all along, the adhoc grant against the single existing post of science teacher has always been sanctioned and transferred to the school through the DSEO, West Garo Hills, Tura. As for the second post so created by way of transfer on the strength of this Court's order dated 28.03.2006, the salary for the said post has also been channelized through the Inspector of School, West Garo Hills District to be paid to the respondent/Managing Committee for necessary action on its part. It is, therefore, the responsibility of the respondent/Managing Committee to determine as to who is entitled to receive the said salary, further submits the learned Addl. Sr. GA.

19. Mr. R. Choudhury, learned counsel for the respondents No. 9, 10, and 11 respectively, being the School Managing Committee and the Headmaster of the said school, in his reply to the submission and contention of the petitioner has admitted that the petitioner was initially appointed as science teacher of the school since 21.09.1994. However, he was terminated from service w.e.f. 15.03.1995 pursuant to a resolution of the School Managing Committee. This action of the Managing Committee was approved by the then Inspector of Schools vide related communication dated 26.06.1995. It is also mentioned by the learned

counsel that on the petitioner being terminated from his post as science teacher, the school authorities have appointed one Shri. S. Reza as the regular science teacher w.e.f. 01.03.1995. This teacher has however resigned in the year 1997.

20. On his services being terminated, the petitioner was then offered to continue teaching in the said school in the capacity of an additional science teacher for which he is to be paid a lump sum amount of ₹ 1000/- (rupees one thousand) only per month, which he had agreed to and had functioned in that capacity till 29.02.1996 and from 01.03.1996 till 28.02.1997 he was given a lump sum pay of ₹ 1500/- (rupees fifteen thousand) only per month. His service was continued from 01.03.1997 till 31.03.1998 when he was again terminated on 31.03.1998.

21. On calculation of the payment due to him, which amounts to ₹ 19,500/- (rupees nineteen thousand five hundred) only and for the period from 01.03.2009 till 31.05.2009 being ₹ 18,000/- (rupees eighteen thousand) only calculated @ ₹ 6000/- (rupees six thousand) only per month, the total of which comes to ₹ 37,500/- (rupees thirty-seven five hundred) only, the petitioner refuses to accept the same and accordingly, the respondent/Managing Committee had deposited the said amount with this Registry as per order of this Court dated 10.04.2015.

22. The learned counsel has further submitted that records would show that in the meantime, the respondent No. 12 herein was appointed as a regular science teacher of the school w.e.f. 17.11.1999. This has then prompted the petitioner to file a writ petition before this Court (the Shillong Bench of the Gauhati High Court as this Court then was) being W.P.(C) No 168(SH) of 2002, with a prayer that he be acknowledged as

the regular science teacher of the said school. Simultaneously, the respondent No. 12 has also filed a similar writ petition being W.P.(C) No. 185 (SH) of 2002 also claiming that she is the regular science teacher of the school.

23. This Court taking up both the aforesaid writ petitions together, had passed a common order dated 28.03.2006, disposing of the same by directing the authorities concerned to create another post of science teacher in the said school so that both the writ petitioners can be suitably accommodated with salaries etc. due to them to be paid accordingly.

24. The petitioner has also filed a contempt petition before this Court being C.O.P. No. 9 (SH) of 2009 alleging that the order of this Court dated 26.08.2009 has not been complied with, for which the State respondent has responded by causing transfer of one post of science teacher from another school, that is, Deri Linda Persara Secondary School to the Hallidayganj Secondary School, West Garo Hills to accommodate the petitioner herein.

25. Again, the petitioner had filed yet another writ petition before this Court being W.P.(C) No. 137 (SH) of 2010 wherein he has made a claim that by virtue of the order dated 28.03.2006, he is to be reckoned as the regular science teacher of the school and all the salary due to him be released together with interest @ 12% p.a.

26. Yet again, the respondent No.12 not having been impleaded as party respondent in the case filed by the petitioner, has filed a separate petition being W.P.(C) No. 247(SH) of 2010 also claiming that she is the regular science teacher of the school in question since her appointment on

17.11.1999, duly approved by the Inspector of Schools, she has been receiving salary as per sanction meant for the science teacher of the school from the year 1999 till February 2002 with a proposal for sanction of the same in her favour for the year 2002-2003.

27. The learned counsel has submitted that this Court had disposed of W.P.(C) No 137 (SH) of 2010 and W.P.(C) No. 247(SH) of 2010 vide a common order dated 14.02.2014 with a direction to the State respondent and the school respondent to clear all the dues of both the petitioners as per their entitlement in accordance with rules.

28. The learned counsel has also submitted that the petitioner has filed this instant petition on identical grounds as found in his petition being W.P.(C) No. 137(SH) of 2010 and as such, he could not have approached this Court on the same grounds.

29. In response to the claim of the petitioner that he is entitled to the salary pending litigation, the learned counsel has submitted that the same is factually not correct as respondent No. 12 was serving as a regular science teacher since the day of her appointment on 17.11.1999 and the government grant was sanctioned in her name w.e.f. December 1999 to February 2000 and from March 2001 to February 2002 and as submitted, a proposal for sanction for the year 2002-2003 in her name has also been made, submits the learned counsel.

30. On behalf of the respondent No. 12, Mr. S.D. Upadhaya, learned counsel has made his submission by referring to the sequence of events or dates relevant to the case of the parties herein which according to him will clarify the stand of the respondent No. 12 as far as her status as science

teacher in the school is concerned.

31. There is no dispute that the petitioner was serving as a science teacher in the school on his being appointed as such in the year 1994. However, records would also show that he was since terminated from his post w.e.f. 01.03.1995 and in his place Shri. S. Reza was appointed as science teacher.

32. The learned counsel has further submitted that Shri. S. Reza had resigned since 28.02.1998 and the petitioner was allowed by the Managing Committee to again teach in the school, this time as an additional science teacher which was accepted by him.

33. The respondent No. 12 was then appointed as a regular science teacher in the school on 17.11.1999 and her appointment was also approved by the Inspector of Schools on 12.01.2000. The science grant sanctioned by the Government was then allotted to this respondent since the year 2002, again, submits the learned counsel.

34. The confusion arose as to how two science teachers are functioning in the same school, upon which the respondent No. 12 had filed a writ petition before this Court being W.P.(C) No. 185(SH) of 2002 and this Court vide a common judgment dated 28.03.2006 has in effect confirmed the status of the respondent No. 12 as the science teacher of the said school when a direction was given to the authorities concerned to sanction another post of science teacher, purportedly to accommodate the petitioner herein in such post. In due course, one additional post of science teacher was transferred to the school from Deri Linda Persara Secondary School w.e.f. 01.03.2009. It may also be mentioned that the

said post has been transferred to accommodate the petitioner herein which post will then be coterminus with the service of the petitioner, inasmuch as in the event he is no longer in service as science teacher in the said school, that is, Hallidayganj Secondary School, the said post will be reverted, further submits the learned counsel.

35. This Court having heard the argument advanced by the respective counsels for the parties and also on going through the pleadings as is available on record, including the writ petition and the affidavit-in-opposition, is made to understand that this is not the first time that the matter, as far as payment of salary and arrear salary to the petitioner is concerned has been agitated by the parties before this Court, either before the Single Bench or the Division Bench.

36. As has been submitted, the fact that the petitioner has been appointment as a science teacher of the Hallidayganj Secondary School on 21.09.1994 is not disputed. Also, the fact that his service was terminated on 15.03.1995 has also been acknowledged on record and noticed by this Court in its order dated 28.03.2006 in W.P.(C) No. 168(SH) of 2002. Thereafter, after the service of the petitioner was terminated, Shri. S. Reza was appointed as the science teacher of the said school which appointment was approved by the Inspector of School, West Garo Hills District on 26.06.1995.

37. According to the respondent/Managing Committee the service of the petitioner was not done away with altogether, but he was offered to stay on and teach in the said school however, in the capacity of an additional science teacher with a monthly remuneration of ₹ 1000/- (rupees one thousand) only per month and from 01.03.1996-28.02.1997

for a monthly remuneration of ₹ 1500/- (rupees fifteen thousand) only per month. However, on 31.03.1998 his service as additional science teacher was again terminated. There is nothing on record to show that the petitioner was once again terminated from service w.e.f. 31.03.1998.

38. In the meantime, it is also on record that the respondent No. 12 was appointed as science teacher of the said school on 17.11.1999. This appointment has not been opposed by the petitioner herein who had independently approached this Court vide WP(C) No. 168(SH) of 2002 to seek confirmation of his service as science teacher of the said school and for payment of salary thereof. The respondent No. 12 had also filed separate writ petition being WP(C) No. 185(SH) of 2002 being aggrieved by the action of the respondent/Managing Committee who has sought to terminate her services in the school.

39. It is reiterated that this Court vide order dated 28.03.2006 had decided the case of the petitioner and the respondent No. 12 respectively vide a common judgment, inter alia confirming both of them to be the science teacher of the said school, but for the fact that there is only one post of science teacher in the school, a direction was given for a sanction of additional post of science teacher. The judgment of this Court was complied with by the transfer of one post of science teacher to the said Hallidayganj Secondary School from Deri Linda Persara Secondary School, which in effect would mean that the petitioner is allowed to function as a science teacher of the said school. Nothing is also said specifically that the petitioner will work in the capacity of additional science teacher.

40. Be that as it may, the learned counsel for the petitioner has

candidly admitted that the petitioner has since received his monthly salary regularly on the additional post of science teacher being made available as far as the said Hallidayganj Secondary School is concerned. What is agitated here is with regard to the fact that the petitioner has not received the arrear salary due and payable to him, which salary was sanctioned by the Government, the period and amount of which has been specifically detailed at para 12 of this petition. The said para 12 is reproduced herein below as:-

*“12.That your petitioner states that your petitioner is entitled for the salary dues which are furnished as follows:*

| <i>Sl No.</i> | <i>Particulars</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <i>Amount</i>    |
|---------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| <i>1</i>      | <i>As per sanction order Memo No-Science/MSGT/34 (W.G.) 99/167, dated 9-3-2000, wherein your petitioner's name is listed in the serial No-36 for the period from 01-12-1999 to 29-02-2000 – (Annexure-XX)</i>                                                                                                                                                                                                                                                                                                                                                                                                                | <i>Rs.13,125</i> |
| <i>2</i>      | <i>As per sanction order No-DHTE/SC/MSGT/4(WG)/2001/99, dated 3-12-2001 (Annexure-XXI), wherein your petitioner's name is listed in the serial No-43 for the period from 01-09-2001 to 31-12-2001 @ Rs.4500 (Rupees four thousand five hundred only) P.M. &amp; as per sanction order Memo No-DHTE/SC/MSGT/4(WG)/2001/106 dated 5th February, 2002 (Annexure-XXII), wherein your petitioner's name is listed in the serial No-43 for the period from 01-01-2002 to 28-02-2002 @ Rs.4500/(Four thousand five hundred only) P.M. i.e. with effect from 01-03-2001 to 28-02-2002 the salary of your petitioner sanctioned @</i> | <i>Rs.54,000</i> |

|                                                                                                          |                                                                                                                                                                                                                                                                                      |                    |
|----------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
|                                                                                                          | <i>RS4500/(Four thousand five hundred only) P.M.</i>                                                                                                                                                                                                                                 |                    |
| 3                                                                                                        | <i>Two-third with effect from 01-03-2002 to 28-02-2003 as per sanction order Memo No-DHTE/Sc/MISC/22/2003/Pt.II/100, dated 13-08-2003 and subsequently released as per order, Memo No-DHTE/Sc/MISC/22/2003/Pt.II/316, dated 2nd June, 2009 (Annexure-XXIII)</i>                      | <i>Rs.37,000</i>   |
| 4                                                                                                        | <i>With effect from 01-03-2003 to 31-05-2009 as per order Memo No-DHTE/SC/MISC/22/2003/Pt./23/233, dated 03-06-2009 (Annexure-XXIV) and subsequently it was released by Inspector of Schools, Tura, vide Memo No-SWG/MC/AH-67/2009/8937, dated 11th August, 2009 (Annexure-XXV).</i> | <i>Rs.3,73,000</i> |
| <i>Total amount Rs. 4,77,125/(Rupees Four lakh seventy seven thousand one hundred twenty five) only.</i> |                                                                                                                                                                                                                                                                                      |                    |

*Further your petitioner states that your petitioner only the Science Teacher who served since 3rd day of October, 1994 and your petitioner did not received the payment for the period from 01-03-1997 to 28-02-1998, which has not been included in the list of the payment made, however, your petitioner reiterated the claim of salary for the said period.”*

41. At para 7 of this petition the petitioner has referred to an order dated 14.02.2014 passed in WP(C) No. 137(SH) of 2010 wherein this Court in the third para of the same has referred to the contention of the petitioner therein who is also the same petitioner herein and also represented by the same counsel, that is, Shri. R. Debnath, which on perusal of the said para it can be seen that it is exactly the same contention made by the petitioner in this instant petition.

42. Again, it may be mentioned that the petitioner herein had also filed a contempt petition before this Court being Cont. Cas (C) No. 3 of 2015 alleging that the order dated 14.02.2014 passed in WP(C) No. 137(SH) of 2010 has not been complied with and this Court while disposing of the said contempt petition vide order dated 24.04.2015 had given the liberty to the petitioner to seek clarification from the Court which had passed the order. Hence this petition.

43. Accordingly, the whole case of the petitioner in a nutshell is for clarification of the order dated 14.02.2014 passed in WP(C) No. 137(SH) of 2010. This Court has perused the order dated 14.02.2014 and is made to understand that the claim of the petitioner as regard his arrear salary for the period mentioned at 3<sup>rd</sup> and 4<sup>th</sup> para of the said judgment, the State respondent and the school respondent are directed to clear the dues of both the petitioners, meaning the petitioner herein and also the respondent No. 12 herein.

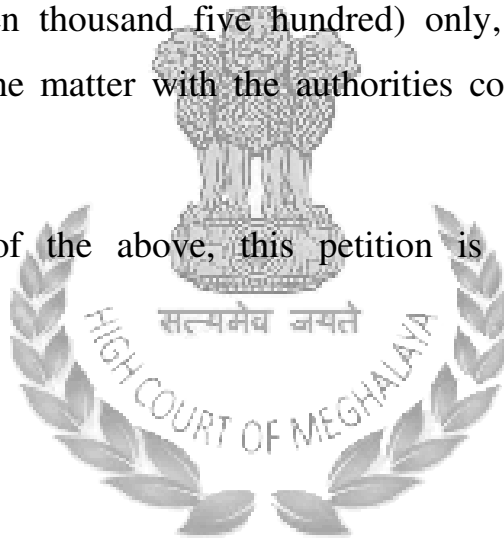
44. In response to the said order dated 14.02.2014, the respondent/Managing Committee had made its calculation and has come to the figure of ₹ 37,500/- which is considered to be due and payable to the petitioner and for which on refusal of the petitioner to accept the bank draft, this Court vide order dated 24.04.2015 in the said Cont. Cas (C) No. 3 of 2015 had allowed the bank draft to be deposited with the Registrar General of this Court.

45. At this juncture, this Court is of the considered opinion that it would be proper for the petitioner to file a representation before the School authorities as well as the Government authorities connected with the affairs of the school to seek clarification as regard the computation

brought out by the school authority and also the reference to the various sanction orders issued by the Government, particularly the Inspector of Schools, West Garo Hills, Tura as far as the petitioner herein is concerned since apparently there appears to be available, two sets of figures or amounts which could not be determined by this Court in this petition without verification of relevant documents and records.

46. As far as the prayer of the petitioner is concerned, the order dated 14.02.2014 passed in WP(C) No. 137(SH) of 2010 has been duly clarified herein and as far as the controversy as regard the amount of ₹ 37,500/- (rupees thirty seven thousand five hundred) only, the petitioner is at liberty to pursue the matter with the authorities concerned as observed herein above.

47. In view of the above, this petition is hereby disposed of accordingly.



**Judge**

Meghalaya  
14.12.2023  
"Tiprilynti-PS"