

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No. 10 of 2023

Date of order: 25.05.2023

Md Shahbaz Qureshi & ors vs The State of Meghalaya & ors

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Appellants : Mr K. Paul, Sr Adv. with
Mr S. Chanda, Adv.

For the Respondents : Mr S. Sengupta, Addl Sr GA
Mr A.H. Kharwanlang, Addl Sr GA [For R 1&2]
Mr S. Jindal, Adv. with
Mr V. Kumar, Adv. [For R 7,8,10,12,13&14]

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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: (per the Hon'ble, the Chief Justice) (Oral)

Mr S. Jindal represents the respondent Nos. 7, 8, 10, 12, 13 and 14.

2. Mr S. Sengupta represents the respondent Nos. 1 and 2, the key respondents in this case, since the impugned appointments appear to have been made by or at the behest of the State.

3. An affidavit of service has been filed and Counsel for the appellants submits that the other unrepresented respondents have also been served.

4. The short grievance of the appellants herein is that despite the appellants challenging the appointment of members of the Waqf Board on the ground that they do not possess the qualifications under the Waqf Act, 1995, the petition under Article 226 of the Constitution has been dismissed on the ground of the appellants herein as petitioners before the court of the first instance not having the requisite *locus standi*.

5. There is no doubt that the court has to guard against passers-by, interlopers and busybodies wasting court time or raising reckless issues which need not be addressed by the court. However, when the court is in receipt of information that persons not qualified, in accordance with law, to occupy certain public positions have been anointed to the posts, the court has merely to recognise the petitioner as an informant and ascertain the veracity of the matter. Clearly, the writ petitioners in this case were seeking the issuance of a writ in the nature of quo warranto in challenging appointments of the members of the Waqf Board on the ground of lack of qualification.

6. Even if the court were to be minded not to allow the writ petitioners to participate any further in the matter, the court would, ordinarily, be obliged to ascertain the veracity of the matter and ensure that members occupying statutory posts are appointed in accordance with law and as per the qualifications necessary therefor.

7. Since the writ petition in this case was dismissed at the outset and without any exercise being undertaken to ascertain as to whether the members of the Waqf Board possessed the requisite qualifications, the order impugned dated March 6, 2023 is set aside and the matter is restored before the Single Bench with a request to look into the merits thereof in accordance with law.

8. WA No. 10 of 2023 succeeds to the limited extent as indicated.

9. There will, however, be no order as to costs.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
25.05.2023
"Sylvana PS"

