

Serial No. 01 & 02
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 287 of 2023
WP(C) No. 326 of 2023

Date of Decision: 28.09.2023

Shri Hedayatullah Kazi
Ziaus Zaman

Vs. State of Meghalaya & Ors.
Vs. State of Meghalaya & Ors.

Coram:

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

Appearance: in WP(C) No. 287 of 2023

For the Petitioner(s) : Mr. M.F. Qureshi, Adv.

For the Respondent(s) : Ms. S. Ain, GA with
Mr. E.R. Chyne, Adv.

Appearance: in WP(C) No. 326 of 2023

For the Petitioner(s) : Dr. N. Mozika, Sr. Adv. with
Ms. S. Rumthao, Adv.

For the Respondent(s) : Ms. S. Ain, GA with
Mr. E.R. Chyne, Adv.

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

JUDGMENT AND ORDER (ORAL)

1. These two writ petitions, wherein the core issue is with regard to the constitution of a Governing Body of Kazi and Zaman

College, Bhaitbari, are being taken together for disposal by this common order.

2. The tenure of the last Governing Body of the said College as per the pleadings, expired on 13.01.2022, and on 16.05.2023 it is noted that a general meeting was held, wherein a Steering Committee was formed and purportedly the Members of the Governing Body of Kazi and Zaman College, were selected.

3. It is contended by the petitioner in WP(C) No. 287 of 2023, the first writ petition, that pursuant to this decision of the Steering Committee, the Principal of the College was instructed to approach the concerned authorities to obtain approval. However, as the said approval as submitted, was kept pending by the respondents, WP(C) No. 287 of 2023 was filed by one Shri Hedayatullah Kazi.

4. In WP(C) No. 326 of 2023, the petitioner who is stated to be one of the founder members of the College, has however impugned the proceedings of the Steering Committee held on 16.05.2023, wherein a resolution was taken for constitution of a fresh Governing Body of Kazi and Zaman College.

5. The grievance in the second writ petition is based on the contention that the writ petitioner in the first writ petition had been running the College without a Governing Body, and further by the resolution of the Steering Committee, had self proclaimed himself as

the President. As such, directions have been prayed for constitution of a fresh Governing Body, be done in accordance with law.

6. I have heard the learned counsels for the parties in both the writ petitions.

7. From the pleadings and from the materials, it appears that the approval is yet to be granted by the respondent No. 2, for the proposed re-constitution in view of the situation pertaining in the College, wherein contradicting claims and counter claims have been made. It is however, averred in the said affidavit of the State respondents that the matter is still under consideration.

8. Taking into consideration the facts and circumstances of the case, it is to be noted that the stipulation of the Rules namely; ***The Assam Aided College Management Rules, 1976***, as adopted have to be adhered to wherein at Para-3, it provides as follows:-

“3. Save in case where the Secretary to the Government of Assam in the Education Department sanctions a Special Body under special circumstances, each Governing Body shall consist of the following members, namely;

- (a) (i) One President ;***
- (ii) One Secretary ;***
- (iii) Two representative of the teaching staff to be elected annually from amongst themselves ;***
- (iv) Two persons to be nominated by the Gauhati University/Dibrugarh University ;***
- (v) Donor’s nominee: Donors who paid Rs. 25,000 or more or their nominees not more than one person nominated by each donor would continue to be life member. For new***

- donors, representation will be limited to one to be elected by new donors, from among themselves in rotation every two years ;*
- (vi) Five persons to be nominated by the Government of whom one shall be a lady ;*
- (vii) Two persons other than members of teaching staff to be co-opted by other members of whom one shall be a guardian;*
- (viii) Vice-Principal- Ex-Officio ;*
- (b) The President shall be nominated by the Government from members nominated under Cl. (a)(vii) above ;*
- (c) In deficit Aid College, the Principals of the Colleges shall be nominated by the Government as Ex-Officio Secretary of the Governing Body of the College. In other Aided Colleges, an outsider may be nominated by the Government as Secretary and in that case the Principal of the College shall be nominated as member and Joint Secretary in the Governing Body by virtue of his office with corresponding reduction in nomination of non-official members by the Government under Cl. (a)(vi) above.*
- (d) The Government officials shall be ex-officio members in the Governing body.”*

9. It is expected that in the consideration of the claims and counter claims, with regard to the approval of any fresh Governing Body for the College, the respondent No. 2 shall dispose of the same in accordance with law and take such steps as necessary in furtherance thereof.

10. Till such time, the Director of Higher and Technical Education, shall look after the affairs of the College.

11. It is expected that the entire exercise shall be completed within a period of 3(three) months from today.

12. With the above directions, these two writ petitions stand closed and are accordingly disposed of.

JUDGE

Meghalaya
28.09.2023
"V. Lyndem-PS"

