

Serial No.03
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 410 of 2022

Date of Order :12.05.2023

Shri. Sonabadsha SK

Vs.

State of Meghalaya & Ors.

Coram:

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

Appearance:

For the Petitioner/Appellant(s) : Mr. S.A.Shiekh, Adv.

For the Respondent(s) : Mr. K.P.Bhattacharjee, GA for R 1-4.
Mr. S.K.Hassan, Adv. for R 5.

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

(ORAL)

1. Heard Mr. S.A.Sheikh, learned counsel for the petitioner, Mr. K.P.Bhattacharjee, learned GA for the State respondent Nos. 1-4 and Mr. S.K.Hassan, learned counsel for the Headmaster respondent No. 5.

2. The challenge in the instant writ petition is to the order dated 29th July, 2022, whereby the Sub-Divisional School Education Officer,

Dadenggre, West Garo Hill, approved the constitution of the Adhoc Management Committee of Bhaitbari Deficit U.P. Madrassa School, New Bhaitbari under Dadenggre Sub-Division, West Garo Hills. The constitution of the Adhoc Management Committee was purportedly made under Section 13 under the Meghalaya Right of Children to Free and Compulsory Education Rules.

3. Mr. S.A.Sheikh, learned counsel for the petitioner has submitted that the Adhoc Management Committee has been constituted in direct violation of Section 13 of the said rules, and has drawn the attention of the Court to the said provision which provides that seventy five percent of the strength of the School Management Committee shall be from amongst the parents or guardians of children studying in the school. He submits that this not being the position, which has also been confirmed by the affidavit of the State Government, the Adhoc Management Committee has been illegally constituted and as such, should be interfered with by this Court.

4. Mr. K.P.Bhattacharjee, learned GA for the State respondent Nos. 1-4 does not dispute this position and submits that perhaps the approval has been obtained by misleading the said issuing authority.

5. Mr. S.K.Hassan, learned counsel for the Headmaster respondent No. 5, submits that the constitution of the impugned Management Committee was occasioned due to the fact that the said school was without a

Management Committee for 16 to 17 months, which has caused severe hardships in disbursing of salaries to the teachers and functioning of the school. He submits that if the impugned order is to be interfered with, reasonable time maybe given for constitution of a fresh Management Committee.

6. Having heard learned counsel for the parties, it is noticed that Rule 13(2) of the said Rules provides as follows:

“13(2). Seventy five percent of the strength of the School Management Committee shall be from amongst parents or guardians of children studying in the school.”

7. It is also noted that the State respondents in their affidavit, specifically at para 9 sub-para, have conceded this position which is in reference is reproduced herein below:

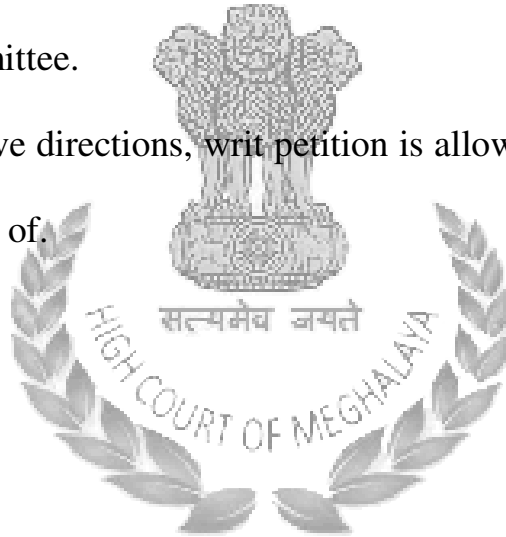
“9. In this regard it is further mentioned that none of the names as per the List of Parents/Guardians of the students studying in Class 6, 7 and 8 (the academic session 2022) submitted by the Headmaster cum Ex-Officio Member Convener dated 29.10.2022 is reflected in the Adhoc Committee approval dated 29.7.2022. Hence, it may be clarified that aforesaid the Adhoc Committee approval dated 29.7.2022 was obtained by misleading the then issuing authority.”

8. Considering the matter in its entirety and the undisputed fact that the Management Committee was irregularly constituted, it is directed that the

Sub-Divisional School Education Officer shall within four weeks from today convene a meeting of the parents and guardians of the Bhaitbari Deficit U.P. Madrassa School, New Bhaitbari under Dadenggre Sub-Division, West Garo Hills, for selection of persons for constitution of the new Management Committee as per the said rules.

9. Accordingly, the impugned order dated 29th July, 2022 is set aside and quashed. In the interim, the administration of the school shall be looked upon by the respondent No. 4 till the said constitution of a new Management Committee.

10. With the above directions, writ petition is allowed and matter stands closed and disposed of.



Judge

Meghalaya
12.05.2023
"Samantha PS"