

**Serial No.03**  
**Regular List**

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

WP(C). No. 363 of 2023

Date of Decision :20.11.2023

Shri. Aynul Hoque & Anr.

Vs. State of Meghalaya & Ors.

**Coram:**

**Hon'ble Mr. Justice H.S.Thangkhiew, Chief Justice (Acting).**

**Appearance:**

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

For the Respondent(s) : Mr. N.D.Chullai, AAG with  
Ms. Z.E.Nongkynrih, GA.

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

**(ORAL)**

1. The petitioners herein being aggrieved with the termination of their services as contractual teachers, on 01-07-2023 had earlier approached this Court by way of writ petitions being WP(C). No. 253 of 2023 and WP(C). No. 266 of 2023. This Court then by order dated 22-08-2023, passed in

both the petitions disposed of the writ petitions by allowing the writ petitioners herein to file representations against their termination.

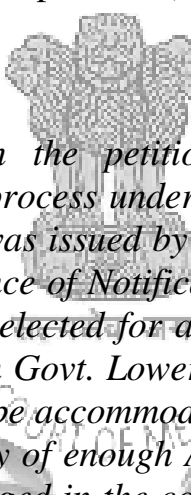
2. Thereafter, the petitioners accordingly had preferred their respective representations, which has since been disposed of by the respondent No. 2 by a speaking order dated 26<sup>th</sup> September, 2023, wherein reasons have been given as to their termination of contractual service.

3. Mr. M.F.Qureshi, learned counsel for the petitioners, has strenuously argued that there has been no adverse remark against the petitioners and they have been serving w.e.f. 2011 and 2010, and that the reason given by the respondent No. 2, as being tainted, in the selection process held pursuant to an advertisement dated 10-12-2008, is without any basis. This he submits, is because they were never afforded appointment pursuant to being selected by the said process wherein, they have been declared to be tainted. Their contractual employment being independent of the said selection process, the rejection order he submits, is therefore arbitrary and illegal and liable to be interfered with by this Court.

4. Mr. N.D.Chullai learned AAG, has refuted the submissions and has contended that the impugned order of rejection is well reasoned and based on substantial material. The petitioner he submits, having been declared tainted by a CBI inquiry on the directions of this Court, to which they never represented, inspite of being allowed the opportunity cannot at this

stage seek any relief. It is further submitted that as per the order of this Court dated 02-11-2017, the services of all tainted teachers are to be terminated forthwith.

5. Having heard the learned counsel for the parties and perused the materials on record, it is noted that the representations of the petitioners have been exhaustively dealt with by the respondent No. 2 vide order dated 26-09-2023, which has been impugned herein. An extract of the order which is relevant contained in paras 1 (a) (b) (c) (d) (e) are reproduced hereinbelow :



*“1 (a) Both the petitioners were candidates of the selection process under the advertisement dated 10-12-2008, as was issued by the Deputy Inspector of schools in pursuance of Notification dated 24/11/2008 and was declared selected for appointment to the post of Asstt. Teacher in Govt. Lower Primary School. However they could not be accommodated for appointment due to non availability of enough Assamese medium schools. They were engaged in the contractual service before it came to light that they were tainted.*

*(b) However, on complaint against the selection process, CBI conducted inquiry on the direction of the Hon'ble High Court and irregularities were detected in the selection process.*

*(c) Later, as per CBI inquiry report, dated 05/03/2012 and High Level Scrutiny Committee (HLSC) report, dated 29/07/2013, Hon'ble High Court of Meghalaya vide order dated 02/11/2017 was pleased to observed that the whole of selection process was held vitiated and was annulled **“subject to the proviso that only the candidates who have been treated as untainted/unblemished both in the reports of CBI and***

***HLSC and are in service, may be allowed to continue as stop-gap arrangement until fresh selection takes place and that the services of all tainted teachers are to be termination forthwith.”***

(d) As per CBI and HLSC report, there are 10(ten) candidates under Dadenggre Sub-Division who were declared as tainted and both Shri Aynul Hoque and Shri Monoranjan Koch were among them.

(e) Hon’ble High Court vide order dated 02/11/2017, under 1(d) of conclusion and direction of the order state that, **“none of the candidates who has been found tainted/blemished, whether in the report of CBI or in the report of HLSC or both as also none of the candidates who had been recommended by the public representative shall be taken or retained in service even in stop-gap arrangement and the service of every such candidate, who is yet continuing whether by way of regular appointment or in ad hoc arrangement, shall stand terminated with immediate effect.”**

6. A perusal of the impugned order reflects that the termination is not without reason and has been passed considering the entire gamut of the matter with the claims of the petitioners being examined and dealt with in detail. In this view of the matter, therefore, there being no grounds made out for any interference, the writ petition accordingly stands dismissed and disposed of.

**Chief Justice (Acting)**

Meghalaya  
20.11.2023  
“Samantha PS”