

**Serial No.01****Supple List**

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 287 of 2014

Date of Order: 25.06.2024

Smti. Faluda Biswas
W/o Samiul Islam Mondal
R/o Village:Rajpur,
PO: Bhaitbari.
Dist: West Garo Hills, Meghalaya

Vs. 1.State of Meghalaya, represented
by the Commissioner and
Secretary to the Govt. of Meghalaya
Education Department, Shillong.

2. The Director of Elementary
Education, Meghalaya, Shillong.

::::PETITIONER

3. The Deputy Commissioner cum
Chairman, SSA, West Garo Hills
District, Tura.

4. The District Mission co-Ordinator,
SSA, West Garo Hills, Tura.

5. The Superintendent of Police,
West Garo Hills, Tura.

6.The Deputy Inspector of Schools,
Dadengiri, Dist.: West Garo Hills.

7. The Sub-Divisional Officer (Civil)
Cum Chairman SSA, Dadengiri
Sub – Division, Dadengiri.
Dist.: West Garo Hills.

8. The Officer-in Charge, Phulbari,
Police Station, Phulbari,
Dist.: West Garo Hills.



9. Boleman Hoque, Es President of
Rajpur Girls UP School, Rajpur
R/O Village-Rajpur, PO: Bhaithari
Dist West Garo Hills.

10. Saidul Hussain
Ex- Member Rajpur Girls' UP School
S/O late Moktal Hussain
R/O Village-Rajpur
PO: Bhaitbari
Dist. West Garo Hills

11. Moinul Hoque
Ex-Member, Rajpur Girls' UP School
S/O Late Moktal Hussain
R/O Village – Rajpur
PO: Bhaitbari
Dist. West Garo Hills

12. Nur Hussain, Ex- Member, Rajpur
Girls' UP School
C/O Late Moktal Hussain
R/O Village Rajpur
PO: Bhaitbari
Dist. West Garo Hills

13. Hafizur Rahman
C/O Late Moktal Hussain
Ex-Member, Rajpur Girls' UP School
R/O Village-Rajpur
PO: Bhaitbari Dist. West Garo Hills

14. Rajpur Girls' Upper Primary School
Represented by its Head Master
Miss Tanuja Begum
D/O Late Moktal Hussain
R/O Vill. Rajpur PO: Bhaitbari
Dist. Meghalaya, Assam.

:::RESPONDENTS



Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner(s) : Mr. K. Paul, Sr. Adv. with
Ms. B. Kharwanlang, Adv.

For the Respondent(s) : Mr. S. Sengupta, Addl. Sr. GA. (R: 1 – 8)
Mr. S. Dey, Adv. (R: 9)
Mr. B. Khyriem, Adv. (R: 10-14)

(JUDGMENT & ORDER)

This writ petition has been filed by the petitioner for issuance of necessary directions to the respondents for recovery of salaries of the teaching and non-teaching staffs of the petitioner's school for the period of March 2002 to February, 2003 from the then Managing Committee of the school and also for release of current salaries, arrear salaries and other Government benefits in favour of the petitioner's school, namely, Rajpur Girls' Upper Primary School and for stopping the benefits given to false school in the same name.

1. The case pleaded by the petitioner in her writ petition is that the Rajpur Girls' Upper Primary School was established in the month of January, 1999 and the petitioner was appointed as an Assistant Teacher in the said school where she joined her duties on 20-01-1999. After some days the petitioner was appointed as the Headmistress of the school by the Managing Committee and since then she has been discharging her duties continuously in that position. Subsequently, the school was brought under the SSA (Sarva Shiksha Abhiyan)



Scheme in the month of February, 2002 and the respondent No.6, Dadengiri, West Garo Hills vide order dated 07-05-2023 constituted a new Managing Committee of the School for a period of three years w.e.f. 01-01-2003 to 31-12-2005. By the said order, the Secretary of the Managing Committee was authorized to operate the bank account in respect of deposits and withdrawal of money relating to the school. After the constitution of the Managing Committee of the school, the District Mission Co-Ordinator, SSA, West Garo Hills District released an amount of Rs. 78,000/- as salaries of the teachers for the months of March, 2002 to February, 2003. The said amount was withdrawn by the then Secretary of the Managing Committee of the school, but was not paid to the petitioner and others which resulted in filing of an FIR before the Officer-in-Charge Phulbari police station on 26-03-2003 by the petitioner and others. A complaint was also filed by the petitioner and others to the respondent No.6 with a request to make an enquiry in the matter and take necessary action. Thereafter, a spot enquiry was made by the respondent No.6 wherein it was held that the payment of salaries was made to persons who were not actual teachers of the school and the Secretary of the school was directed to release the salary of the petitioner and other staffs of the school. On 20-04-2024 a General Meeting was held in the resident of the Headman of the village which was presided over by the president of the Rajpur Girls' Upper Primary School, whereby, vide resolution No.1, it was unanimously decided to shift the school from its existing location to a new location in order to avoid clash in the school affairs. The said resolution was duly approved by the respondent No.6 on 23-04-2004 and soon thereafter, the school was shifted to a new place and since then the school has been running continuously with the petitioner discharging her duties as Headmistress.



2. It is also pleaded in the writ petition that when the petitioner did not get any fruitful result even after several approaches to the official respondents, she along with three other teachers filed WP(C) No.5320/2004 before the High Court which was disposed by order dated 18-03-2005 whereby respondent No.4 was directed to make an enquiry and take necessary steps to remedy the grievances of the petitioner. Although, the said order was submitted to the respondent No.4 but no action was taken. Having no alternative, the petitioner with three other teachers of the school again approached the High Court with WP(C) No. (SH) 347 of 2005 with a prayer to direct the then Secretary of the school to release arrear of salaries of the petitioners and other staffs of the school from March, 2002 to February, 2003. The said writ petition was disposed of by Judgement and Order dated 24-09-2013 by directing the respondent No.3 herein to conduct an enquiry to find out who had misappropriated the sum of Rs. 78,000/-. It was also directed that the respondent No.3 shall file complaint/criminal case against those culprits with the O/C, West Garo Hills District within a period of 3 months from the date of the receipt of the certified copy of the order. The O/C concerned was further directed to register an FIR on the receipt of the complaint and arrest the culprit without any delay. The compliance report was also directed to be submitted by the respondent No.3 herein to the Registry of this Court. Consequently, the Phulbari PS Case No. 7 (1)/2014 u/S 409/34 IPC was registered. In the FIR of the said case, it was reflected that though the then Secretary of the Managing Committee of the school had expired, the other members of the Managing Committee and the president of SMC were also liable, but the Officer-in-Charge, Phulbari Police Station had not arrested any member of the then Managing Committee of the school.



3. The writ petitioner also averred that though the Rajpur Girls' Upper Primary School was shifted pursuant to the resolution adopted in the General Meeting dated 20-04-2014, but the Secretary (Late) Muktal Hussain of the then Managing Committee of the School with the help of official respondent established another school in the name of Rajpur Girls' Upper Primary School and appointed new teachers including his daughter, Ms. Tanuja Begum, and has been receiving the benefits sanctioned by the Government thereby depriving the petitioner and other genuine teachers of the school. In this respect, the petitioner and other staffs had submitted several representations before the respondent No.3 and respondent No.4 praying for release of salaries including arrears and other Government benefits to the genuine teachers of the Rajpur Girls' Upper Primary School and stop the benefit given to the fake teachers and the school. The writ petitioner contended that the petitioner's school is the genuine/original school but the respondent authorities have not taken any step against the false school. The action of the respondent authority is absolutely illegal, arbitrary, whimsical and with mala-fide intention for extraneous consideration and in violation of principle of natural justice and administrative fairness.

4. Against the writ petition, the State-respondents No.1 – 5 filed their affidavit-in-opposition and denied the claim of the writ petitioner and stated that in compliance of the Judgement and Order dated 24-09-2013 passed in WP(C) No.347/2005, an enquiry was conducted by calling all the parties concerned to ascertain the truthfulness of the allegation of non-payment of salary and alleged misappropriation of fund. An order dated 17-12-2013 was also issued directing the Officer-in-Charge of Phulbari Police Station to register a case and investigate the matter whereupon the Phulbari P.S. Case



No.7 (1)/14 u/S 409 IPC was registered. During the course of the investigation of the matter it was found that salary amounting to Rs.50,000/- had been disbursed to the teachers appointed by the Managing Committee of Rajpur Girls' Upper Primary School and had been duly approved by the Joint District Coordinator, Dadenggiri, West Garo Hills District. The statements of the teachers were also recorded wherein they confirmed the receipt of salary except for one teacher who had left the school after her marriage and settled abroad. The remaining salary of Rs.28,000/- had been withdrawn by the Administrator of the school who was also the then Deputy Inspector of the schools, Dadenggiri Sub-Division, and was paid to all the teachers. The writ petitioner was the only teacher who did not receive her salary amounting to Rs. 9,400/- as she demanded that she be appointed as Headmistress of the Rajpur Girls' Upper Primary School. The State-respondent also asserted that the school of the petitioner has no approval from any authority and the Rajpur Girls' Upper Primary School, recorded and reflected as per the records maintained by the District Information System for Education, is the school headed by Smt. Sobeda Khatun as Headmistress. The school claimed by the petitioner is seemingly a fictitious school whose existence is unknown to the authority.

5. In addition to the affidavit-in-opposition, the additional affidavits dated 10-06-2019, 27-02-2020 and 29-08-2022 were filed on behalf of the State-respondents. By the additional affidavits dated 10-06-2019, a copy of the spot enquiry reported dated 08-03-2019 is brought into the record and it is asserted that the school operated by Smt. Sobeda Khatun as Headmistress of Rajpur Girls' Upper Primary School is the school which is approved by the Project Approval Board, Government of India and the same is receiving all the funds



from the Government. By the additional affidavit dated 27-02-2020, it is asserted that the writ petitioner was appointed by the Managing Committee of the school vide resolution No. 1 dated 20-01-1991 and was approved by the Joint District Mission Coordinator by putting signature and seal on the body of the resolution itself without any formal order. Similarly, the service of the petitioner was terminated vide resolution No.2 dated 15-07-2004 which was approved by the Joint District Mission Coordinator by putting signature and seal on the body of the resolution without issuing any formal order and thereafter the termination order was issued by the school Managing Committee on the basis of the approval. The additional affidavit dated 29-08-2022 brought into record the detailed enquiry report which was made in compliance of the order dated 21-07-2022. Besides an affidavit dated 01-12-2020 was also filed on behalf of the State as an affidavit-in-reply to the affidavit filed by the writ petitioner.

6. The writ petitioner also responded to the additional affidavit filed on behalf of the State by filing various affidavit-in-reply dated 23-08-2019, 04-11-2020 and 14-12-2022 whereby she refuted the contentions made on behalf of the State in the above-mentioned additional affidavit and asserted that she is the Headmistress of Rajpur Girls' Upper Primary School.

7. The private respondents No.9 – 14 have filed a joint affidavit-in-opposition whereby they denied the claim made by the writ petitioner in her writ petition. In the said affidavit-in-opposition it is stated that the petitioner was removed from the post of Assistant Teacher of the school after which she established another rival school under the same name in the year 2004 and the said school is running without any student. The private respondents denied that the petitioner was appointed as the Headmistress of the school and stated



that Smt. Sobeda Khatun is the Headmistress of the Rajpur Girls' Upper Primary School. It is also stated that the real and genuine school is running in the building constructed under the grant-in-aid by the authorities of the District Coordinator, SSA. In addition to the above joint affidavit-in-opposition, the respondent No.9 has filed a separate individual affidavit-in-opposition in the matter whereby he supported the claim of the petitioner that the Rajpur Girls' Upper Primary School was shifted from its original location. He stated that (Late) Moktal Hussain due to his political influence appointed one Sobeda Khatun as Headmistress and other teachers and made payments. He also stated that he had not authorized the respondent No.11 to file any affidavit on his behalf and the purported signature appearing on the authorization letter was not put by him. The respondent No.9 filed another additional affidavit in compliance with the order dated 12-02-2021 of this Court wherein he reiterated the statement made by him in his individual affidavit-in-opposition. The respondents No. 10 - 14 have also filed a response to the affidavit filed by the respondent No.9.

8. Mr. K. Paul, learned Senior Counsel appearing for the petitioner submits that the petitioner was appointed as Assistant Teacher in the Rajpur Girls' Upper Primary School just after its establishment in the year 1999 and after sometimes she was appointed as the Headmistress of the school by the Managing Committee of the school. He submits that the petitioner was a part of the Managing Committee which was constituted for a period of 3 (three) years w.e.f. 01-01-2003 to 31-12-2005. He submits that inspite of the fact that the petitioner is discharging her duties in the school continuously, she has not been paid salary without any valid cause or justification. The school in which the petitioner is serving is the original/real Rajpur Girls' Upper Primary School



which was shifted to a new location consequent to the adoption of a valid resolution and approval by the state authority. He submits that the then Secretary of the Managing Committee of the school had withdrawn a sum of Rs 78,000/- sanctioned for payment of salaries of the teachers and staffs for the months of March, 2003 to February, 2003 but did not pay the salaries and misappropriated the entire amount. The petitioner along with others had to approach the High Court by filing WP(C) No. (SH) 347 of 2005 wherein vide order dated 24-09-2013 the respondent No.3 herein was directed to conduct an enquiry to find out who had misappropriated the amount of Rs.78,000/-. The OC concerned was further directed to register an FIR and arrest the culprit without any delay. The learned Senior Counsel submits that in spite of the directions of the High Court, no action has been taken by the respondent. He submits that though the then Secretary of the Managing Committee of the school is not alive, it is the collective duty of the entire Managing Committee to ensure that the salaries are released. The State-respondents are also not paying current salary to the petitioner in spite of the fact that the petitioner was found to be a genuine teacher by report of enquiry dated 06-05-2004 (Annexure-4 to the writ petition) and no action has been taken against the fake school which is running under the name of Rajpur Girls' Upper Primary School. He prays that necessary direction be issued directing the respondent authorities to recover the salaries of petitioner for the period of March, 2002 to February, 2003 from the then Managing Committee and also for release of current salaries and arrears including all other benefits.

9. Mr. S. Sengupta, learned Addl. Sr. GA. appearing for the State respondents No. 1 – 8 on the other hand submits that the petitioner is not a teacher of the Rajpur Girls' Upper Primary School and her service was



terminated vide letter dated 16-07-2004 issued by the Managing Committee of the school on the basis of the resolution dated 15-07-2004 which was approved by the then Joint District Mission Coordinator, Dadenggre, West Garo Hills. He refers to the additional affidavit dated 10-06-2019 wherein the said termination letter and the resolution are appended. He submits that the petitioner has not challenged her termination and, hence, cannot raise any grievance in this matter. He submits that the order dated 24-09-2013 passed in WP(C) No. (SH) 347 of 2005 was fully complied with by holding an enquiry and by registration of police case as required. He submits that the investigation of the Phulbari P.S. Case No. 7(1)/14 u/S 409/34 IPC, which was launched as per the order dated 24-09-2013, revealed that the entire amount of Rs.78,000/- was paid to the persons concerned except for an amount of Rs.9,400/- which the petitioner refused to accept as she demanded to be appointed as the Headmistress of the Rajpur Girls' Upper Primary School. He submits that the school where the petitioner claims to be serving is not a recognized school. The genuine Rajpur Girls' Upper Primary School is functioning from the location where the school building was constructed by utilizing the amount of sanction made by the Government. He further submits that there is no question of diverting the sanctioned amount of grant-in-aid to a fake school as the amount is transferred to the bank account of the school which has been in operation since after the inclusion of the school under the SSA scheme. He submits that the petitioner's claim is not made on any legal basis and the writ petition is liable to be dismissed.

10. Mr. S. Dey, learned Counsel appearing for the respondent No.9 submits that the respondent No.9 had approached the High Court by filing Misc. Case No. 101(SH) of 2004 in WP(C) No. 99(SH) of 2004 seeking release of salary



of the teachers of the school wherein by order 18-03-2005 a direction was issued to the State-respondents to take necessary step for payment to the teachers. He submits that the respondent No.9 has no more liability in the matter and no direction is required to be passed against him. The learned Counsel further submits that though the petitioner has contended that there exists a fake school and the Government funds are diverted to that school, the alleged fake school is not made a party to this writ petition and hence no effective direction can be passed in the writ petition.

11. Mr. B. Khyriem, learned Counsel appearing for the respondents No.10-14 submits that the petitioner is not serving in the Rajpur Girls' Upper Primary School and she has no legally tenable claim against the school. He submits that actual Rajpur Girls' Upper Primary School is the school which is recognized by the State Government and the school which the writ petitioner is running has no recognition. He further submits that the actual school is function in the building which is constructed by utilizing Government fund. He refers to the affidavit-in-opposition filed by the State-respondents and submits that it has been specifically stated therein that the investigation conducted by the police revealed that the entire amount of Rs.78,000/- has been paid to the concerned teachers except an amount of Rs.9,400/- which the petitioner refused to accept by demanding the post of Headmistress of the school. He submits that the petitioner's service was terminated in the year 2004 and thereafter she never remained a part of the school and hence, the grievance expressed in the writ petition is not genuine.

12. Mr. K. Paul, learned Senior Counsel in his reply submits that the fact of termination of the service was not known to the petitioner and the documents pertaining to her termination have been brought into record by the State by



filing additional affidavit during the pendency of the writ petition. He contends that the termination of the petitioner is not valid as the same has been done in utter disregard to the established provision of law. He submits that though separate challenge has not been made against the termination of the petitioner, the petitioner in her reply affidavit dated 04-11-2020 has brought into record a copy of the registration dated 24-10-2017 showing the fact that the petitioner, being in service, was registered with the National Institute of Open Schooling (NIOS) for 18 months Diploma Elementary Education (D.El.Ed) programme for untrained teachers issued under the seal of the Sub-Divisional Education Officer, Daddengiri, West Garo Hills. He contends that the above fact clearly establishes that the petitioner is continuing her service.

13. Per contra, the learned Additional Senior GA draws attention of this Court to the affidavit dated 01-12-2020 filed in response to the above-reply affidavit to the petitioner and submits that claim of the petitioner that she is a teacher in Government aided school on the basis of the document of registration bearing the signature of the Government official is totally untenable as the form is for registration of untrained elementary school teachers irrespective of being private or Government aided school. He, thus, maintains that the petitioner's termination stands and the registration of the petitioner to undergo D.El.Ed programme has no bearing in the claim made by the petitioner.

14. Heard learned Counsels for the parties and perused the materials available on record.

15. There is no dispute to the fact that the writ petitioner was appointed in the Rajpur Girls' Upper Primary School in the year 1999 and the school was brought under the SSA scheme w.e.f. the month of February, 2002. Her name



also figured as a member of the Managing Committee of the school which was constituted for a period of 3 years w.e.f. 01-01-2003 to 31-12-2005. During that period, a dispute arose between the teachers and some members of the Managing Committee with which resulted in adoption of resolution dated 20-04-2004 by which it was decided to shift the school from its existing place to a new location. However, there is nothing on record to show whether the said school was at all shifted from its original location or not. If the claim of the petitioner is to be accepted that the school was shifted to a location where she is running the school at present, then the question arises as to how a new school building came to be constructed on a different land by utilizing the Government fund. In addition, how the petitioner could run and manage a school from the year 2004 till date, i.e. almost for two decades, without any funding from any authority, remains a mystery. During the course of hearing, the learned Senior Counsel for the petitioner also could not give any satisfactory reply to the query of the Court with regard to the constitution of the managing committee of the school run by the petitioner and the identity of the members therein. In such a situation, the contention that the petitioner is running a government aided school cannot be accepted.

16. Insofar as, the claim of the petitioner with regard to the non-payment of Rs.78,000/- meant for salary for the period of March, 2002 to February, 2003 is concerned, it is seen that the WP(C) No. (SH) 347 of 2005 was disposed of by order dated 24-09-2013 by the High Court upon being informed that there exist two schools by the name of Rajpur Girls' Upper Primary School. No specific order was passed to release any amount to the petitioner. The direction therein to conduct an enquiry and register an FIR was made to find out the culprit involved in the misappropriation of the said amount of Rs.78,000/-. The



investigation conducted by the police thereafter revealed that the entire amount was paid to the concerned person except for Rs. 9,400/- which was not accepted by the petitioner as she wanted to be appointed as the Headmistress of the school. There is nothing on record to doubt the outcome of the said investigation.

17. The contention of the petitioner that the termination of her service by order dated 16-07-2004 by the Managing Committee of the school consequent to passing of a resolution thereof was not known to her, appears to be factually incorrect. A perusal of the record of the WP(C) No. (SH) 347 of 2005, which is tagged together with this case by virtue of order dated 29-07-2015 passed in the present proceeding, indicates that the WP(C) No. (SH) 347 of 2005 was amended and an amended writ petition was filed on 02-02-2010 by incorporating fresh prayer at page -28 which reads as follows: -

“In the premises above it is therefore prayed that your lordship be graciously be pleased to admit the writ petition call for record and issue rule as to why a writ in a nature of certiorari and/or mandamus and or any other appropriate writ, or order or direction of like nature should not be issued directing the respondent authorities and after hearing the parties be pleased to direct the state respondent to make payment of the salary from February 2002 forthwith and also to make payment monthly salary and also be pleased to set aside and quash the termination letter dated 16-07-2004 passed by Secretary Rajpur Girl’s upper Primary school and make the rule absolute and or pass to pass such order as your lordship may deem fit and proper in the interest of justice.

And for this your petitioner as in duty bound and shall ever pray.

The termination letter dated 16-07-2004 was also enclosed as Annexure P – 22 in the aforesaid amended writ petition.

It is clear from the order dated 24-09-2013, by which the WP(C) No. (SH) 347 of 2005 was disposed of, that the prayer for setting aside and quashing of



termination order dated 16-07-2004 was not granted. The contention of the petitioner that she had no knowledge of passing of termination order is, therefore, totally incorrect. Furthermore, since the specific prayer for quashing and setting aside of the termination of the petitioner was not granted, it has to be taken as rejected. There is nothing on record to show that the petitioner re-agitated the matter before any higher authority by challenging the order dated 24-09-2013.

18. On the question of existence of two schools under the same name, this Court during the proceeding of the instant matter has passed an order dated 21-07-2022 which is reproduced herein below: -

“In course of hearing, Mr. K. Paul, learned Sr. counsel for the petitioner has pointed out that the State respondent in their affidavit-in-opposition dated 22.05.2015 at page-3 in the last paragraph has made an averment that there is a school named and styled as Rajpur Girls Upper Primary School in existence which records are maintained by the Department of Education. However, as far as the school also named and styled as Rajpur Girls Upper Primary School supposedly headed by the petitioner herein as the Headmistress, it is stated that the same is not in existence and it is a fictitious school not known to the authorities.

Mr. K. Paul, has further submitted that to this extent, the issue of the actual school going by the same name which is duly recognised by the Government has to be identified so as to proceed with this matter, for if the school headed by the petitioner is found to be actually not in existence this petition would eventually become futile and would be rendered infructuous. It is again submitted that the said respondent may be directed to clarify on this point.

Mr. S. Sengupta, learned Addl. Sr. GA has submitted that on being directed the relevant information will be submitted before this Court by way of an additional affidavit.

Accordingly, the Director or the appropriate authority is hereby directed to file the said affidavit confirming the status of the actual school in existence.



*The State affidavit should be filed within the next date fixed.
List this matter after 3(three) weeks.”*

It is evident from the above that a categorical submission was made that in the event the school headed by the petitioner is found to be not in existence, this writ petition would eventually become infructuous.

19. Pursuant to the above order, the State-respondents have filed an additional affidavit dated 29-08-2022 bringing into the record the copy of the report on the existence of Rajpur Girls’ Upper Primary School in terms of the order dated 21-07-2022 along with the relevant annexures. The report is signed by the Secretary to the Government of Meghalaya, Education Dept. & State Project Director, SEMAM – SSA, Shillong. The conclusion recorded in the said report reads as follows: -

*“5. **Conclusion** - In conclusion and as elaborated above, it is hereby clarified and confirmed that the original and existing school or Rajpur Girl’s Upper Primary School headed by Smti. Subeda Khatun, Headmistress is functioning normally and documents and records are maintained under the different offices under the Education Dept. whereas the breakaway school established by Smti. Faluda Biswas (Petitioner), the self-styled Headmistress in the same name Rajpur Girl’s Upper Primary School do not exist in the record of all offices under the Education Dept.*

Submitted to the Govt. Advocate for information of the Hon’ble High Court of Meghalaya and further necessary action.”

The above conclusion made in the report establishes beyond reasonable doubt that the petitioner’s school does not exist in the Government record. Even though the petitioner has filed an affidavit in response to the report, the same is without any material having bearing in the conclusion arrived therein. That apart, the order dated 21-07-2022 of this court has binding effect on the



petitioner as the order was passed on the basis of the submission made on her behalf.

20. The petitioner in her writ petition has not made any disclosure of challenge made to the termination letter dated 16-07-2004 by amendment made in WP(C) No.(SH)347 of 2005. On the contrary, when the respondents raised the plea of termination of the service of the petitioner, it was argued on behalf of the petitioner that the fact of termination of service was not within her knowledge and the related documents were brought into the records by the state respondents at a later stage by an additional affidavit. This amounts to suppression of material fact by the petitioner. Moreover, the enquiries made by the state and the reports prepared thereof undoubtedly indicate that the petitioner is running a school of her own without any recognition or approval from any authority. The petitioner is also not in a position to disclose who are the other persons involved in running the management of her school. Hence, her version of the case is not worth acceptance by this court.

21. In view of the discussion made above, this writ petition is devoid of merit and the same is dismissed with a cost of Rs.10,000/- (rupees ten thousand) to be paid to the Shillong Bar Association by the petitioner. The proof of payment be filed before the registry within 30 days.

JUDGE

Meghalaya

25.06.2024

"N. Swer, Stenographer Gr-11"

NATHANIEL
SWER

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