



Serial No.34

Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 49 of 2022

Date of Decision : 04.12.2024

SMTI AFRUZA KHATUN,
Wife of Shri. Jalaluddin Ahmed,
Resident of village Pabomari,
P.O Hollaidanga
P.S Tikrikilla
West Garo Hills District,
Meghalaya.

...Petitioner

-Versus-

1. State of Meghalaya,
Represented by its Commissioner
Secretary to the
Govt. of Meghalaya
Education Department
East Khasi Hills, Meghalaya.
2. The State Project Director, SSA
SEMAM, Shillong,
Meghalaya.
3. The District Project Coordinator, SSA
West Garo Hills, Tura
Meghalaya.
4. The Jt. District Mission Coordinator, SSA
Dadenggre, West Garo Hills,
Meghalaya.
5. The Block Mission Coordinator, SSA
Selsella Block
West Garo Hills.



6. The Managing Committee of
PABOMARI GIRL'S UPGRADED SSA
U.P.SCHOOL represented by its
Chairperson and Convener.

...Respondents

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. M.F.Qureshi, Adv.
Mr. L.Koch, Adv.

For the Respondent(s) : Mr. A.H.Hazarika, GA for R 1-5.
Mr. S.Pandit, Adv. for R 6.

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| i) | Whether approved for reporting in
Law journals etc: | Yes/No |
| ii) | Whether approved for publication
in press: _ | Yes/No |
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JUDGMENT AND ORDER (ORAL)

1. The writ petitioner is before this Court with a simple and innocuous prayer for release of her salary w.e.f. May, 2021 till date.

2. The brief facts are that the petitioner was appointed by the School Managing Committee of Pabomari Upgraded SSA U.P.School, West Garo Hills on 27-02-2010 and provisional approval was granted on 17-01-2017. By an order dated 18-09-2018, the petitioner was then approved as a



sanctioned teacher teaching language. It appears that on her salary not being released w.e.f. 01-04-2018, the petitioner had preferred WP(C). No. 464 of 2018, which was disposed of by this Court vide an order dated 03-12-2018, with the direction that the Managing Committee of the School was to ensure payment of salary to the petitioner w.e.f. 01-04-2018 till August, 2018. Accordingly, it appears though the petitioner had to resort to filing a contempt application, the salary of the petitioner was paid up to May 2021 but that since June, 2021, her salary has been stopped. On a perusal of the facts as placed by the petitioner and as noted above, the prayer seems innocuous and bereft from other facts, apart from the Court orders for which the petitioner had been favoured with.

3. Interestingly, on the appearance of the respondents and filing of their respective affidavits, a Pandoras Box has been opened, inasmuch as, in the first government affidavit filed on 09-05-2022, at para 5 and 6 thereof, it has been stated that the petitioner is not a sanctioned teacher and if salary is to be paid, that was to be paid from the resources of the Managing Committee. Further, by another additional affidavit filed on behalf of the State respondents on 29-07-2022, at para 2 thereof, it has been categorically stated again that the approval letter of the petitioner's appointment dated 18-09-2018 is fake. Further, by another additional affidavit filed on 29-03-2023, it is stated therein that a spot enquiry had



been conducted in the School which revealed that there were two registers maintained, the first register where the petitioner's name is recorded to be present was for the period from January, 2019 to March, 2021, and the second register where the petitioner's name does not appear, was for the period from June 2019 to November, 2022.

4. At this juncture, the rejoinders filed by the writ petitioner to these affidavits also are to be examined, inasmuch as, though averments have been made in the affidavits of the State respondents that the appointment was fake, on a RTI application filed by the writ petitioner, the information provided was that the appointment was genuine and further, by another rejoinder filed by the writ petitioner, it is alleged at para 7 thereof, that as per information received, the appointment of one teacher namely, Tofish Uddin Ahmed is fake. To this development, a further additional affidavit was filed by the State respondents on 04-04-2024, indicating that the information received by the writ petitioner had been supplied by an unauthorised Officer, whereas any information to be provided, should have been from the District Mission Coordinator and not the Administrative Officer, from where the writ petitioner had obtained the information.

5. Added to this confusing scenario are the affidavits filed by the Managing Committee, the first being filed on 02-06-2022, where a



clarification received from the retired Joint Director of School Education and Literacy to the effect that the writ petitioner was never approved during his tenure in office has been annexed. In the same affidavit, at para 7 thereof, it has been stated that a show cause was issued on 28-11-2021 to the petitioner, which however was not replied to. By an additional affidavit filed on 22-09-2022, the Managing Committee has annexed at Annexure-4 the termination order of the writ petitioner from service dated 23-08-2022, and further yet, by another additional affidavit filed on 30-10-2023 at Annexure-J, a document has been annexed issued by the Block Mission Coordinator that the said Tofish Uddin Ahmed, to whom the petitioner said had been illegally appointed, is shown as one of the sanctioned teachers.

6. Mr. M.F.Qureshi, learned counsel for the petitioner has maintained his ground that the petitioner has come before this Court on the strength of her being an approved sanctioned teacher and as such, had made a prayer only for release of salary and did not consider it necessary to mention the other attendant facts and circumstances which have been brought on record by the State respondents as well as the Managing Committee. He submits that this Court earlier having ordered for release of the salary of the teacher, it was incumbent upon the respondents to abide by the same as the writ petitioner continues to be a teacher in the said School, though he also



submits has not been able to attend the School since June 2021 due to the inimical attitude of the Managing Committee towards her.

7. Mr. A.H.Hazarika, learned GA on behalf of the State respondents No. 1-5, has placed reliance on the affidavits filed and with regard to the career path of the writ petitioner wherein the basis of her very appointment is in doubt.

8. Mr. S.Pandit, learned counsel for respondent No. 6 Managing Committee, has submitted that apart from other facts, the writ petitioner never attended the School from May 2021, nor did she reply to the show cause filed, which therefore had resulted in her termination.

9. In the backdrop of these facts, this Court first will examine the prayer and as observed earlier, is simple and made only for release of salary from May 2021 onwards. The writ petitioner, it is distressing to note, has not brought before the Court the facts surrounding her case, especially the show cause issued to her on 28-11-2021 as well as her termination, nor has these orders been put to challenge. Further, though the petitioner may have had a case as to her appointment and also to its validity, however, has nowhere in the pleadings raised this point in spite of the fact of being well aware as to the exact situation prevailing with regard



to her services, which is evidenced by the submissions of the learned counsel for the petitioner himself, who has submitted that the writ petitioner could not attend School since June 2021.

10. In the facts and circumstances of the case and the pleadings therein, the writ petitioner having chosen not to bring on record the actual facts or to even assail the orders which had been issued against her, or to show grounds to maintain her stand as to her appointment being made in a regular fashion, in the considered view of this Court is not entitled to any relief by way of the present writ petition and the same is dismissed and disposed of.

Judge