



Serial No.21
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 50 of 2024

Date of Decision : 06.09.2024

Smti. Kwilda Suchiang

...Petitioner

-Versus-

1. State of Meghalaya, represented by the
Chief Secretary, Government of
Meghalaya, Shillong.
2. Director of School Education & Literacy,
Meghalaya, Shillong.
3. Sub-Divisional School Education Officer,
West Jaintia Hills, Jowai.
4. School Managing Committee,
represented by its Secretary Iooksi
Presbyterian Upper Primary School
Iooksi, West Jaintia Hills District, Jowai.
5. Principal, Iooksi Presbyterian Upper
Primary School, Iooksi, West Jaintia Hills
District, Jowai.
6. Balang Presbyterian Iooksi, represented
by its Chairman/Secretary, Iooksi,
West Jaintia Hills District, Jowai.

...Respondents

**Coram:**

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

Appearance:

For the Petitioner/Applicant(s) : Ms. N.M.Kharshemlang, Adv.
 Ms. P.Chettri, Adv.
 Ms. D.Kynta, Adv.

For the Respondent(s) : Ms. Z.E.Nongkynrih, GA for R 1-3
 Ms. B.Sun, Adv. for R 4.
 Mr. E.Nongbri, Adv. for R 5.
 Ms. C.B.Sawain, 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 |

JUDGMENT AND ORDER (ORAL)

1. The petitioner is before this Court with a prayer for quashing and setting aside of the impugned letters dated 04-03-2024, issued by respondent No. 6 directing the School Managing Committee to scrap the interview result held for the selection to the post of Assistant Teacher in Iooksi Presbyterian Upper Primary School, Jowai, wherein the petitioner had come out successful.

2. The brief facts are that pursuant to an advertisement issued by the School and thereafter on the interview held, wherein the petitioner amongst five other candidates had appeared, and on coming first in the merit list as per the result which was published on 16-05-2023, was then



by a resolution of the Managing Committee of the School recommended for appointment to the post of Assistant Teacher. The State respondent No. 3, on receipt of the said recommendation and on the petitioner having the required qualification, granted the approval vide order dated 01-09-2023.

3. It appears that due to certain other reasons or differences that arose between the respondent No.4, the Managing Committee of the School and the respondent No. 6 which is stated to be the Balang Presbyterian Iooksi (Sponsoring Body), it was resolved in the meeting of respondent No. 6 to dissolve the Managing Committee of the School and further, that the interview which had been conducted for selection of Assistant teacher, be scrapped.

4. Ms. N.M.Kharshemlang, learned counsel on behalf of the petitioner has submitted that the petitioner has been selected after undergoing due process, inasmuch as, she had appeared for the interview, was recommended and approval obtained and was discharging her duties after the said appointment. The action of the respondent No.6 particularly she submits is without any authority, inasmuch as, the School being a Deficit School, once approval had been granted, for termination of her services or alteration of service conditions in any manner thereof, the same was to be with the approval of the State respondents. In the instant case she submits, the respondent No. 6, arbitrarily is seeking to oust the petitioner from her



service forcibly. She therefore, submits that the action being blatantly illegal and arbitrary, the impugned letters whereby the interview wherein she had been duly qualified had been directed to be scrapped, are liable to be set aside and quashed.

5. Ms. C.B.Sawain, learned counsel who is the main contesting respondent i.e., respondent No. 6 the Sponsoring Body of the School i.e. the Balang Presbyterian Iooksi, has vehemently argued that such drastic action was called for in view of the fact that the Managing Committee had acted in a most illegal manner of which complaints had been received. She submits that in the recommendation itself, all the members of the Managing Committee had not signed the said recommendation, the same to which exception had been taken by the Sub-Divisional School Education Officer, Jowai (respondent No.3) and that in furtherance of these irregularities the Sponsoring Body had taken steps to dissolve the Managing Committee. She therefore, submits that the entire process of recruitment and recommendation being irregular, the petitioner was not entitled to any relief.

6. Ms. B.Sun, learned counsel on behalf the respondent No. 4, the School Managing Committee, has drawn the attention of this Court to the affidavit of the respondent No. 6 itself, to demonstrate that the said selection was transparent and submits the fact that the interview was



conducted by independent persons which was to the knowledge of the respondent No. 6 shows that the selection was transparent. She further submits that on the conclusion thereof, the results of the interview was also notified and placed in the notice board on 16-05-2023 and thereafter, the same was sent for approval by the Managing Committee on 20-05-2023 to the respondent No. 3. She submits that the entire process and the fact that the Managing Committee did not involve itself in the selection, shows the transparency which was adopted by the respondents No. 4 in the selection, and further that the objection raised as to non-signing is an afterthought by the respondent No. 6. She therefore, submits that the petitioner being duly qualified and having been validly selected, her appointment is liable to be upheld.

7. Mr. E.Nongbri, learned counsel appearing for the respondent No. 5, the Principal of the School has also endorsed the submissions made by the learned counsel for the respondent No. 4 and submits that his non-availability on the date the interview was conducted was due to medical reasons for which written consent was thereafter given showing his endorsement to the said process.

8. Ms. Z.E.Nongkynrih, learned GA appearing on behalf of the respondents No. 1-3 submits that the very fact that the approval has been granted to the appointment of the petitioner by respondent No. 3 justifies



the fact that due process has been followed, inasmuch as, no such approval would have been granted if it was seen that selection was not as per procedure.

9. Having heard learned counsel for the parties, what emerges from the submissions and the materials placed, reflects that the dispute is due to some issues between the respondent No. 4 and the respondent No. 6. It is pertinent to note herein that the term of the Managing Committee is still subsisting and the decisions taken in conducting the interview and in the recommendation as such, were made by a validly constituted Managing Committee. It is noted also that the Sponsoring Body without any reasons being clearly made out in the reply, and in the communications annexed thereto, have taken the decision to scrap the interview in the absence of any authority to do so, inasmuch as, for the same to be achieved, due process has to be carried out, and if any orders are to follow affecting the service of the petitioner, the same also cannot be done without affording adequate opportunity of hearing. It is also further noted that on this issue, the respondent No. 6 has even taken the decision to dissolve the Managing Committee which was also not in the realm of the Sponsoring Body, inasmuch as, approval for the constitution of the same has been received from the competent authority itself.



10. For the reasons aforementioned and observation as made, it is seen that the action of the respondent No. 6 is without any jurisdiction or with any authority vested in it by law and as such, the same cannot withstand judicial scrutiny. As earlier noted, if any termination or alteration of the service condition of a duly appointed teacher is to be affected, the same cannot be without due process and the approval of the competent authority.

11. Accordingly, the writ petition stands allowed and the impugned letters being without any authority of law are accordingly set aside and quashed.

12. Writ petition stands closed and disposed of.

Chief Justice (Acting)