

Serial No. 11
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 241 of 2022

Date of Order: 07.02.2024

Saleha Begum Vs. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. S.P. Mahanta, Sr. Adv. with
Mr. D. Dkhar, Adv.

For the Respondent(s) : Mr. S. Sengupta, Addl.Sr.GA. for R 1.
Mr. Philemon Nongbri, Adv. for R 2.
Mr. A.P. Singh Rahi, Adv. for R 3&4.

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.P. Mahanta, learned senior counsel for the petitioner, who has submitted that the petitioner is the Principal of Hazi Amsar Ali Mukhtar Girls Senior Secondary School, Morigaon, Assam. The services of the petitioner was recommended for provincialisation under the provisions of the Provincialisation Act, 2017, for which the State Level Scrutiny Committee was constituted to verify the

recommendation made by the District Level Scrutiny Committee. However, in course of such proceedings, remarks were made as to the authenticity of the M.A. Degree obtained by the petitioner from the CMJ University which has to be clarified.

2. In due course, the authorities concerned had uploaded the list of eligible and qualified educational institutions and the staff serving in those institutions for the purpose of provincialisation of their services.

3. The petitioner, on perusal of such list, found out that her name was not included in such list. Thus, being aggrieved, she had preferred a writ petition being WP(C) No. 3260/2021 before the Hon'ble Gauhati High Court and the same was disposed of vide order dated 15.07.2021, wherein the appropriate authority was directed to pass a reasoned order on the acceptability of the M.A. Degree of the petitioner.

4. The appropriate authority, thereafter, held a meeting on 28.12.2021, and had sought to provincialise the services of the teaching and non-teaching staff of the school by leaving the post of Principal as vacant.

5. The petitioner seeking provincialisation of her services, had then preferred another writ petition being WP(C) No. 1352/2022 before

the Hon'ble Gauhati High Court. The said writ petition was disposed of vide order dated 01.04.2022, whereby the petitioner was allowed to file a representation in this regard before the competent authority in the Government of Meghalaya.

6. The petitioner in compliance with such order, has accordingly filed a representation dated 18.04.2022 before the Hon'ble Education Minister, Government of Meghalaya, Education Department, Shillong. It appears that the said representation was taken on board and the same was disposed of, and such disposal was communicated to the petitioner vide communication No. EDN.115/2013/Pt. V/375 dated Shillong, the 31st May, 2022 (Annexure-18 of this petition), whereby she was intimated that her representation was not considered, since the period for preferring such representation has already elapsed.

7. Being aggrieved by such decision, the petitioner is before this Court with a prayer, inter alia, to quash and set aside the order dated 31.05.2022.

8. The learned senior counsel for the petitioner has only a one point submission before this Court, that is, because of the fact that the petitioner was not allowed or rather was not accorded the opportunity to

be heard personally when her representation was considered by the concerned authority, therefore, the principle of natural justice was violated, for which at this juncture, prayer is made for a direction to the relevant respondent to reconsider the said representation of the petitioner by affording her opportunity to be heard in person.

9. Mr. Philemon Nongbri, learned counsel for the respondent No. 2, has submitted that firstly, the petitioner has approached the concerned authority very late in the day, however, inspite of that, the representation dated 18.04.2022 was duly considered and being found devoid of merits, the same was disposed of, and such decision was duly communicated to the petitioner vide the letter dated 31.05.2022. However, even at this point of time, the learned counsel has conceded that, if directed, the petitioner will be allowed to file her representation and the same to be considered by affording her opportunity to be heard.

10. Without considering any other points or issues involved in this matter, including the stand of the respondent Nos. 3 & 4, if at all, on this short premise, this matter is hereby disposed of with the following directions:

- i) That the petitioner shall file a fresh representation before

the appropriate authority within 21.02.2024;

- ii) That the appropriate authority is directed to take up the matter and to allow the petitioner to be heard;
- iii) That the said representation is to be disposed of within 07.03.2024.

11. In view of the above noted directions, this matter is accordingly disposed of. No costs.

Judge

Meghalaya
07.02.2024
"D. Nary, PS"