



Serial No.30

Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 269 of 2023

Date of Decision : 23.10.2024

Shri. Haypath Ali

...Petitioner

-Versus-

1. State of Meghalaya, represented by
the Commissioner & Secretary,
Education Department,
Government of Meghalaya, Shillong.
2. The Director of School Education & Literacy,
Shillong, Meghalaya.
3. The District School Education Officer,
Tura, West Garo Hills, Meghalaya.
4. The Sub-Divisional School Education Officer,
Dadenggre, West Garo Hills,
Meghalaya.
5. The Block Mission Coordinator,
Selsella Block Resource Centre,
West Garo Hills, Meghalaya.
6. School Managing Committee of
Nalbari, Janata G/A U.P.School,
represented by its Chairperson,
Shri. Nazrul Hoque,
Resident of village-Nalbari,
P.O- Bhaitbari, P.S- Phulbari,
West Garo Hills, Meghalaya- 794104.
7. Shri. Abdul Mozid Ahmed,



Assistant Teacher,
Nalbari Janata G/A U.P. School,
Resident of village – Nalbari,
P.O- Bhaitbari, P.S- Phulbari,
West Garo Hills, Meghalaya- 794104.

...Respondents

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. S.K.Hassan, Adv.

For the Respondent(s) : Ms. S.Bhattacharjee, GA for R 1-5.
Mr. S.A.Sheikh, Adv. for R 7.

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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 petitioner being aggrieved with his removal as in charge Head Master of Nalbari Janata G/A U.P. School under West Garo Hills District, Dadanggre, is before this Court assailing the same on the grounds that the removal was without authority and without due process of law being followed.

2. Mr. S.K.Hassan, learned counsel for the petitioner submits that by a resolution dated 03-02-2022, the petitioner was made in charge Head



Master of the School and was discharging his duties as such. However, he submits on the purported inquiry which was conducted by the office of the respondent No. 4, and on the findings therein, the writ petitioner was removed as in charge Head Master and the respondent No. 7 appointed in his place. It is further submitted that the entire manner in which the impugned order was passed without affording adequate opportunity to the writ petitioner, is illegal and liable to be interfered with by this Court. Learned counsel for the petitioner has also further submitted that presently there is no Managing Committee in the School, and it will be in the interest of the School that the reconstitution be completed at the earliest and approved by the respondent No. 4.

3. Ms. S.Bhattacharjee, learned GA on behalf of the State respondents No. 1-5, at the outset has submitted that it is not a fact that the petitioner was not given opportunity or heard when the inquiry had been conducted in the said School. To substantiate her argument, the learned GA has drawn the attention of this Court to the affidavit filed on behalf of the State respondents, wherein at Annexure-2 thereof, a report of the spot inquiry conducted by the respondent No. 5 has been annexed, which shows that the writ petitioner was present at the venue on the day of the said inquiry and had also appended his signature to the attendance sheet. She submits that the very fact that he was part of the inquiry cannot be disputed. It is further submitted that there has never been any substantive appointment of the



writ petitioner as Head Master and he was only serving as the in charge on the expiry of the earlier Head Master. She therefore, submits that the post involving only in charge Head Master, no rights are vested on the petitioner to agitate the same. In closing her submissions, she further submits that this Court itself by an order dated 23-05-2024, since the Managing Committee had expired, had put the School under the management and control for the time being, under the respondent No. 4. She therefore, submits that there being no merit in the writ petition and that what remains is for the reconstitution of a new Managing Committee, the writ petition deserves no consideration.

4. Mr. S.A.Sheikh, learned counsel on behalf of the respondent No. 7 has supported the submissions made by the learned GA, and has also submitted that there was never any approval of the writ petitioner as in charge Head Master, as on the said date on which it was alleged that the Managing Committee had approved his appointment, there was no Managing Committee in existence. He therefore, also prays that the writ petition be dismissed.

5. Having heard learned counsels for the parties, it is seen that the point in issue is very limited. Firstly, in view of the fact that it is not a question of removal of the writ petitioner from a substantive post nor are there any materials to show that there has been due approval of the



appointment. Secondly, the undisputed fact is also that as on date, there is no Managing Committee in existence and as can be seen from the order dated 23-05-2024, the respondent No. 4 is presently looking after the affairs of the School to ensure that the interest of the students and teachers do not suffer.

6. In the considered view of this Court, the petitioner, who only held the post as in charge has not accrued any vested right to claim permanency to the said post, and the contention that he was not heard has also been disproved by the copy of the inquiry report wherein his signature had been appended. Be that as it may, the matter being situated thus, it is directed that the respondent No. 4 shall take immediate steps to direct for reconstitution of the Managing Committee and for appointment of a Head Master and to obtain approval as per due process of law.

7. With the above noted directions, writ petition stands closed and disposed of.

Judge