



Serial No. 61
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 296 of 2024

Date of Decision: 25.11.2024

Shri Dilawar Swer

... **Petitioner(s)**

Versus

1. State of Meghalaya represented by its
Commissioner & Secretary to the Govt. of Meghalaya
Education Department, East Khasi Hills,
Meghalaya.
2. The Director of School Education and Literacy,
Meghalaya, Shillong
3. The District School Education Officer,
East Khasi Hills, Shillong
Meghalaya.
4. The Sub-Divisional School Education Officer,
East Khasi Hills, Shillong
Meghalaya.
5. Md. Zaheer,
R/o Jhalupara, Shillong-793002,
District: East Khasi Hills,
Meghalaya.

Coram:

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

Appearance:

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

For the Respondent(s) : Mrs. T. Yangi B, AAG with
Mr. J.N. Rynjah, GA (For R 1-4)
Mr. I. Kharmujai, Adv. (For R 5)



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 to declare the proposal submitted by the respondent No. 5 for re-constitution of the Managing Committee, which had expired on 19.08.2024 to be invalid and in violation of the Rules as prevalent i.e. Assam Education Department Rules and Orders.

2. It is submitted by Mr. M.F. Qureshi, learned counsel for the petitioner submits that the petitioner who was the Secretary of the outgoing Managing Committee is the competent person who should have forwarded the names of the newly elected members, who are to constitute a fresh Managing Committee for approval. However, he submits, that instead of the same being done by the petitioner, the respondent No. 5 in his position as the President had forwarded the said list. He therefore, prays that the action of the President being illegal, and against the Rules, the same be interfered with, by this Court.



3. Mrs. T. Yangi B, learned AAG assisted by Mr. J.N. Rynjah, learned GA for the respondents Nos. 1 to 4, has relied upon the affidavit filed on behalf of the State respondents, wherein it has been categorically stated that the proposal submitted by the President (respondent No. 5) is invalid, and the same should have been through the Secretary.

4. Mr. I. Kharmujai, learned counsel for the respondent No. 5, has prayed for additional time to file affidavit. It is noted that when the matter was taken up on the last date, a prayer had been made for filing affidavit, which was allowed by this Court with a direction that the same should be on board on the next date. Today also the learned counsel for the respondent No. 5 has made a prayer that further 2(two) weeks' time be given, which this Court is not inclined to allow, as the matter involves the reconstitution of the Managing Committee and concerns the wellbeing of the students and the School. Further the filing of affidavit is deemed not necessary, in view of the facts and circumstances of the case as they pertain.

5. On hearing the learned counsel for the parties and on examination of the materials on records, it is seen that it is not disputed that the Managing Committee of the Madrasa Hemayatul Islam L.P. School, Shillong which had been constituted for a period



of 3 years w.e.f. 20.08.2021 has since expired on 19.08.2024, and the new Managing Committee is to be put in place, for management and administration of the said School, which however has not happened, in view of the controversy that had arisen. This Court also notes that provisions of the Assam Education Department Rules and Orders, which has been adapted by the State of Meghalaya, especially at Rules 4 & 5 which are quoted hereinunder:-

“4. The Inspector of Schools may dissolve and reconstitute a managing committee at any time, if circumstances so demand subject to the approval of the Director save in cases where such approval may be presumed have been obtained under any general or special orders of the Director.

5. Subject to R. 4 above the term of managing committee will ordinarily expire after a period of 3 years from the date of the first sitting of that committee with the required quorum or on its being reconstituted, but the members will be eligible for re-appointment or re-election as the case may be. Not later than 3 months before the expire of the term, the Secretary of the committee shall intimate to the Inspector of Schools, the actual date on which the term of the existing committee expires and shall forward along with it the names of the newly elected members the election begin held well ahead of time. If the names of the elected members are not received in time, the managing committee shall be re-constituted by the Inspector of Schools with the nominated members and the headmaster, without any reference from or to the school authority. The quorum for such a committee shall be mentioned in the order of reconstitution. The names of the elected members may be subsequently included in the constitution. The names of the elected



members may be subsequently included in the constituted committee when received.”

6. The above quoted Rules mandates that Secretary of the committee shall intimate to the Inspector of Schools, the actual date on which the term of the existing committee expires and shall forward along with it the names of the newly elected members the election which should have been held well before time.

7. Accordingly as the point in issue is very short, this writ petition is disposed of by cancelling the recommendations as made by the President, and the petitioner/Secretary is directed to convene the election at the earliest for re-constitution of the Managing Committee, and to submit the names accordingly in accordance with law.

8. This writ petition is accordingly disposed of. It is further provided that the entire exercise to be completed within a period of 1(one) month from the date of this order.

JUDGE

Meghalaya
25.11.2024
“V. Lyndem-PS”