



Serial No.67

Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 394 of 2024

Date of Decision : 25.11.2024

Shri. Rezaul Korim,
Son of Shri. Nuruzzaman Sk,
Resident of Village-Bhotdoba,
P.O.- New Bhaitbari,
P.S. Phulbari, West Garo Hills District,
Meghalaya.

...Petitioner

-Versus-

1. The State of Meghalaya represented
by the Secretary to the Government
of Meghalaya, Education Department,
Meghalaya.
2. The Director of School Education & Literacy
Shillong, Meghalaya.
3. The District School Education Officer,
Tura, West Garo Hills,
Meghalaya.
4. Shri. Rofiqul Islam Sarkar,
Principal of Bhaitbari Higher Secondary
School, West Garo Hills,
Meghalaya – 794014.

...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.

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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 before this Court has come with a limited prayer for directions for reconstitution of the Managing Committee of Bhaitbari Higher Secondary School, in view of the fact that the Managing Committee had expired since 31-10-2023 and till date, though meetings were fixed, the same could not fructify and at present, the Managing Committee is yet to be constituted.

2. Mr. S.K.Hassan, learned counsel for the petitioner has submitted that inspite of two instances when the meetings had been scheduled i.e. on 27-10-2023 and on 09-09-2024, for reconstitution of the Managing Committee, the same were postponed for unknown reasons and has left the School without a Managing Committee.



3. Ms. S.Bhattacharjee, learned GA appearing for the respondents today has received instructions, and a perusal of the same indicates that the reasons as offered by the respondent No. 3 the District School Education Officer, are bereft of any substance, inasmuch as, the delay had been attributed to the final examinations held last year and the Model Code of Conduct which was in effect from 16-03-2024 to till 04-06-2024 for general elections. It is also submitted by learned GA that perhaps directions can be issued to the respondent No. 3 to take steps immediately for reconstitution of the Managing Committee.

4. Mr. S.K.Hassan, learned counsel for the petitioner has no objection to the same.

5. This Court has not issued notice to the Principal as it was not deemed necessary in view of the fact that the issue in question is very limited. It is also noted that in the writ application itself, at Annexure-2, an order of this Court dated 13-12-2023, passed in WP(C). No. 249 of 2021 and WP(C). No. 148 of 2022 has been annexed, whereby directions had been issued that a fresh Managing Committee be constituted at the earliest in accordance with law which appears to not to have been complied with.

6. In this view of the matter, it is directed that the general meeting for reconstitution of the School Managing Committee of Bhaitbari Higher Secondary School, Bhaitbari, is to be held positively within a period of



four weeks from the date of this order by way of a free and fair process.

The entire process shall be conducted and supervised personally by the respondent No. 3 to ensure that there is no foul play.

7. As ordered above, the instant matter stands closed and disposed of.

Judge