



Serial No. 07
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 486 of 2022

Date of Decision: 05.07.2024

Shri Hashdur Rahman,
 S/o Late Sukur Ali
 R/o Kendargaon,
 P.O. New Bhaitbari,
 P.S. Phulbari, West Garo Hills District,
 Meghalaya.

..... Petitioner(s)

- Versus -

1. State of Meghalaya represented by its
 Commissioner & Secretary to the
 Government of Meghalaya,
 Education Department,
 East Khasi Hills, Meghalaya.
2. The State Project Director, SSA
 SEMAM, Shillong, Meghalaya
3. The District Project Coordinator, SSA
 West Garo Hills, Tura, Meghalaya
4. The District Mission Coordinator, SSA
 Dadenggre, West Garo Hills, Meghalaya
5. The Block Mission Coordinator, SSA
 Selsella Block, West Garo Hills.
6. The Managing Committee of
 Kendargaon SSA LP School
 Represented by its Convener
7. Shri Nasibur Rahman,
 S/o Late Hafizur Rahman
 R/o Kendargaon,
 P.O. New Bhaitbari
 P.S. Phulbari, West Garo Hills District,
 Meghalaya.

... Respondent(s)



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) : Ms. R. Colney, GA (For R 1-5)
Mr. S.K. Hassan, Adv. (For R 7)

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 by the instant writ petition has complained against the alleged illegal appointment of the respondent No. 7, by the Respondent No. 6 (Managing Committee), as an Assistant School Teacher.

2. The ground for challenge is that in the said School namely; Kendargaon SSA LP School, the respondent No. 7, who is stated to be from the family of the land donor, wherein the School was



established, had been appointed, even though he does not possess the requisite qualifications, but only with the condition that he to attain the same, within a period of 5 years.

3. Mr. M.F. Qureshi, learned counsel for the petitioner submits that the action of the respondent No. 6 is illegal, inasmuch as, notwithstanding the fact that the respondent No. 7, may belong to the family of the land donor, as he is not possessing the required qualifications, was not eligible for appointment, and as such the post should have been advertised to allow aspiring candidates like the petitioner to apply. He further submits that the action of the respondent No. 6, in such matters of public employment has deprived the petitioner of a chance to take part in the selection process, which should have been conducted.

4. Ms. R. Colney, learned GA appearing on behalf of the respondents Nos. 1 to 5, submits that firstly, the appointment of the respondent No. 7, has never been approved by the respondent No. 3, and that the said action of the respondent No. 6, was unilateral in affording the said appointment. It is further submitted by the learned GA that even the factum of donation of the land by the one (L)



Hafizur Rahman for the purpose of construction of the Kendargaon SSA LP School is also doubted. She therefore, submits that the entire matter of donation of land and appointment, not being with the full knowledge of the State respondents, the appointment of the respondent No. 7 by the respondent No. 6 (Managing Committee) is totally unauthorized.

5. Mr. S.K. Hassan, learned counsel appearing on behalf of the respondent No. 7, in reply to the submissions has drawn the attention of this Court to the Deed of Agreement dated 25.02.2021, annexed at Annexure-1 to the affidavit, to substantiate his contention that a valid donation had been made by one Smti Nurima Kozi Bibi. It is noted that the Deed of Agreement though not registered, has been accepted by the District Mission Coordinator, West Garo Hills, Tura, and has been duly notarized. He further submits that on 05.03.2021, the State Project Director, State Education Mission Authority of Meghalaya had also directed the District Mission Coordinator, SSA, West Garo Hills, Tura to examine the proposal in line with Government orders, though he submits the proposal has already been sent as far back as on 14.12.2020. He therefore contends that there is



no illegality in the appointment of the respondent No. 7, except that he was to qualify himself accordingly, to enable him to retain the post.

6. I have heard learned counsel for the parties. Firstly, it appears that the writ petitioner has not clearly established his locus, and that there is no gainsaying that if the post had been advertised, he would have qualified. Notwithstanding the circumstances, it appears that the matter needs further examination by the authorities concerned, and as the writ petitioner is over aged as per the affidavit, apart from the fact that he possesses no vested right, no relief can be forthcoming. It is therefore, left to the authorities to take appropriate action in the matter.

7. Accordingly, with the above noted observations and directions, this matter stands closed and is accordingly disposed of.

JUDGE

Meghalaya
05.07.2024
"V. Lyndem-PS"

**VALENTINO
LYNDEM**

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