

Serial No. 05
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 380 of 2023

Date of Decision: 17.04.2024

Smti Easmin Begum
W/o Shri Sofiqul Islam,
R/o Tungrurchar, P.S. Mahendraganj,
South West Garo Hills District,
Meghalaya.

- Versus -

1. State of Meghalaya, represented by the
Commissioner & Secretary,
Community & Rural Development Department,
Government of Meghalaya, Shillong.
2. The Mission Director,
State Rural Employment Society (SRES)
Shillong, Meghalaya
3. Deputy Commissioner & District
Programme Coordinator, (MGNREGS)
South West Garo Hills District,
Meghalaya.
4. Block Development Officer, (BDO) &
Programme Officer (MGNREGS),
Zikzak C&RD Block,
South West Garo Hills,
Meghalaya.

Coram:

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

Appearance:

For the Petitioner(s) : Mr. S.A. Sheikh, Adv.

For the Respondent(s) : Mr. A.H. Kharwanlang, Add. Sr. GA with
Mr. A.M. Pala, GA

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 writ petitioner is before this Court in this second round of litigation praying for directions for approval of the Village Employment Council (VEC), which was elected on 29.08.2023. In the earlier round of litigation, the writ petitioner had approached this Court seeking directions for holding elections to the Tungrurchar VEC under the Zikzak C&RD Block, South West Garo Hills District, Meghalaya. The elections thereafter, were conducted on 29.08.2023, and the petitioner was elected as Secretary of the new VEC. However, after the said elections, no approval to the new VEC was granted by the respondent No. 4, which prompted the writ petitioner to approach this Court by the instant writ petition.

2. Initially, in the course of this matter, the learned counsel for the State respondents had submitted that firstly, the VEC was not approved, due to numerous complaints that had been raised with regard to its constitution, and further that the signature of the Headman had not been obtained in the Social Agreement

form. It was further submitted that at that point of time, as the VEC was not able to function, the Block Development Officer had assumed charge over the same.

3. Mr. S.A. Sheikh, learned counsel for the petitioner has submitted that the grounds as set out by the State respondents for non-approval of the VEC are unsustainable, inasmuch as, an inquiry had been conducted by the Ombudsperson MGNREGA, South West Garo Hills District, Ampati, Meghalaya, who had filed a report stating that the elections of President and Secretary of the Tungrurchar VEC, was held peacefully and no unfair means were used by the winning candidate, and that the result of the election was not illegal. He further submits that the second ground as set out with regard to the signature of the Headman is not a point in issue any longer, inasmuch as, the same as per the Amended Rules 2010, has been done away with.

4. Mr. A.H. Kharwanlang, learned Addl. Sr. GA for the State respondents in reply has now submitted that in the Social Agreement at Clause-2, inadvertently the clause, whereby there were to be three elected members from each VEC including the traditional headmen had been included. He however, fairly submits

that with the Amendment of 2010, the same has been done away with.

5. I have heard the learned counsels for the parties.

6. In view of the submissions of the learned counsels as noted hereinabove, both the points in issue or objections for approval of the VEC, as on today no longer exists, as can be seen from the inquiry report furnished by the Ombudsperson, and also the amended Rules of 2010, wherein it has been provided at Para 7A Clause 4, as follows:-

“there shall be three elected members from each VEC including the traditional headman and female member to represent VEC at AEC” will be replaced with “Each VEC will have a Programme Executive/Implementation Committee to implement the scheme in the village.”

7. As such, in view of the discussions hereinabove, nothing remains for further consideration in the present writ petition, and the same is closed and disposed of, with a direction that the State respondents shall accord approval to the newly elected VEC of Tungrurchar VEC under the Zikzak C&RD Block, South West Garo Hills District, within a period of 3(three) weeks, from the date of this order.

JUDGE

Meghalaya
17.04.2024
"V. Lyndem-PS"