



Serial No.16 & 17
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 494 of 2022

Date of Order :15.07.2024

Smti. Sankori Bala Shill,
Wife of Shri. Dulal Ch Shill,
Resident of Village Kalapani Part-III,
P.O.- Bholarbhita, P.S. Phulbari,
West Garo Hills District,
Meghalaya.

...Petitioner

-Versus-

1. State of Meghalaya represented by the Chief Secretary.
2. State Project Director SEMAN-SSA Government of Meghalaya, Shillong.
3. District Mission Coordinator, SSA, West Garo Hills, Tura, Meghalaya.
4. Joint District Mission Coordinator, SSA, Dadenggre, West Garo Hills, Meghalaya.
5. The School Managing Committee of the Kaimbatapara J.B. Upgraded SSA, Upper Primary School, West Garo Hills District, Meghalaya, Represented by its Secretary.
6. Shri. Hiralal Rabha, Head Teacher of Kaimbatapara J.B. Upgraded SSA, U.P. School, District West Garo Hills, Meghalaya.



7. Smti. Nabami Rabha (Hindi Teacher)
Wife of Shri. Hiralal Rabha,
Resident of Chibinang, Bazar, P.O-Chibinang,
P.S. Phulbari, District-West Garo Hills,
Meghalaya.

...Respondents

AND

WP(C). No. 526 of 2022

Smti. Sankori Bala Shill,
Wife of Shri. Dulal Ch Shill,
Resident of Village Kalapani Part-III,
P.O.- Bholarbhita, P.S. Phulbari,
West Garo Hills District,
Meghalaya.

...Petitioner

-Versus-

1. State of Meghalaya represented by the
Chief Secretary.
2. State Project Director SEMAN-SSA
Government of Meghalaya, Shillong.
3. District Mission Coordinator, SSA,
West Garo Hills, Tura, Meghalaya.
4. Joint District Mission Coordinator,
SSA, Dadenggre,
West Garo Hills, Meghalaya.
5. The School Managing Committee of the
Kaimbatapara J.B. Upgraded SSA,
Upper Primary School,



6. Shri. Hiralal Rabha,
Head Teacher of Kaimbatapara J.B. Upgraded SSA,
U.P. School, West Garo Hills District, Meghalaya.

...Respondents

Coram:

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

Appearance:

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

For the Respondent(s) : Mr. A.H.Kharwanlang, Addl.Sr. GA and
Mr. H.Abraham, GA for R 1-4.
Mr. S.A.Shiekh, Adv. for R 5-7.

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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. These two writ petitions which have been preferred by the same writ petitioner and on a continuing cause of action are being disposed of by this common judgment and order.

2. In WP(C). No. 494 of 2022, the prayer of the writ petition is for consideration of the writ petitioner as one of the SSA supported sanctioned teachers as per the resolution of the Managing Committee dated 30-03-



2010, and for a further direction for release of monthly salaries of the petitioner pending from June 2017 till date.

3. In WP(C). No. 526 of 2022, the prayer of the writ petitioner is for quashing of the impugned cancellation order dated 25-01-2019, whereby the petitioner's approval order dated 25-01-2017 was cancelled by the respondent authorities without affording an opportunity of hearing.

4. Before adverting further into the facts, it is noted that this matter concerning the appointment and claim of the writ petitioner was already before this Court in an earlier round of litigation in WP(C). No. 45 of 2019, wherein this Court had disposed of the same by order dated 03-08-2022, granting liberty to the petitioner to challenge the inquiry report which had been directed to be gone into by order dated 10-05-2022. For the sake of convenience, both the earlier orders passed by this Court in this regard are reproduced herein below:

<i>Serial No. 30</i> <i>Regular List</i>

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 45 of 2019

Date of Order: 10.05.2022

Smti. Sankori Bala Shill Vs. State of Meghalaya & Ors.

Coram:



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

Appearance:

For the Petitioner/Appellant(s) : Mr. M.F. Qureshi, Adv.

*For the Respondent(s) :Mr. H. Abraham, GA (For R 1-5)
Mr. S.A. Sheikh, Adv. (For R 6).*

1. *After hearing the matter at some length, the status of service of the petitioner cannot be discerned by the Court from the documents that are before it. Reference to the affidavit filed by the State reflects that at Annexure-4 thereof, a letter under Memo No. Jt. DMC-D/SSA/MISC/H-COURT/2019/27 dated 29th April, 2019, shows that the Joint District Mission Coordinator SSA, Dadenggre, West Garo Hills has confirmed that the petitioner is an SSA supported Contractual Teacher working at Kaimbatapara JB SSA U.P School.*

2. *This letter appears to be in contradiction to letter under Memo No. Jt. DMC-D/SSA/Cancel/2019/225 dated Dadenggre, the 25th Jan 2019 (at Annexure-A of the additional affidavit of the respondent No.6), which shows the cancellation of approval of the petitioner as Assistant Teacher of the said school.*

3. *Submissions has been forwarded both by the petitioner and the respondent No. 6 which cannot be reconciled with the documents that have been produced.*

4. *Accordingly, the State Project Director, SSA (respondent No. 2) is directed to initiate an enquiry and to apprise this Court, as to the exact status of the service of the petitioner as on April, 2019, inasmuch as, the letters of the Joint District Mission Coordinator SSA, Dadenggre, West Garo Hills appears to be confusing. The said enquiry is to be conducted independently by the respondent No. 2 and*



report to be furnished to this Court within 4(four) weeks hereafter.

5. Copy of the order to be given to the learned GA to inform to the respondent No. 2 for compliance.

6. List this matter on 13th June, 2022.

Sd/-
Judge

Meghalaya
10.05.2022
"D.Thabah-PS"

Serial No. 22 Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 45 of 2019

Date of Order: 03.08.2022

Smti Sankori Bala Shill Vs. State of Meghalaya &Ors.

Coram:

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

Appearance:

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

For the Respondent(s) :Mr. H. Abraham, GA (For
R 1-5)
Mr. S.A. Sheikh, Adv. (For R
6)

i) Whether approved for reporting in
Yes/No
Law journals etc:



ii) *Whether approved for publication*
Yes/No
in press:

(ORAL)

1. *Mr. M.F. Qureshi, learned counsel for the petitioner submits on instructions that he may be allowed to withdraw this writ petition with liberty to challenge the enquiry report, which is a new cause of action in the matter.*

2. *Prayer is allowed, accordingly the matter stands closed on withdrawal, with liberty as prayed.*

Sd/-
JUDGE

Meghalaya
03.08.2022
"V. Lyndem-PS"

5. Mr. S.K.Hassan, learned counsel for the petitioner has submitted that the petitioner is a founder teacher who had been duly appointed by the Managing Committee in 2010, and by the illegal actions of the respondents, particularly the Managing Committee, has been divested of her post. He further submits that though this Court had directed for an enquiry to be gone into, the inquiry report and findings arrived at, are contradictory to the actual facts, and further the materials placed and the case of the writ petitioner was not considered in the correct perspective. It is further submitted that the petitioner was never informed about the



cancellation of the approval and as such, even on the ground of violation of the principles of natural justice, the matter deserves a fresh inquiry to be gone into by the respondents. He therefore, prays that the inquiry report be set aside and directions be issued to institute a fresh inquiry by affording full opportunity to the petitioner to present her case.

6. Mr. H.Abraham, learned GA together with Mr. A.H.Kharwanlang, learned Addl. Sr. GA appearing for the State respondents No. 1-4 in both the writ petitions have submitted that nothing is left for consideration, inasmuch as, pursuant to the orders of this Court, a detailed inquiry had been gone into by the respondent No. 2, wherein findings have been arrived at, establishing the fact that the writ petitioner is not a teacher appointed in a sanctioned post, but is purely a teacher appointed by the Managing Committee.

7. Mr. S.A.Sheikh, learned counsel appearing for the private respondents No. 5, 6 & 7 in both the matters, apart from endorsing the submission of the learned GA, has submitted that it is not a fact that the cancellation of the approval was not to the knowledge of the writ petitioner, inasmuch as, in WP(C). No. 45 of 2019, the same was made known and the same was also considered thereafter in the inquiry, wherein the petitioner was given adequate opportunity of hearing. He further



submits that the writ petition having no merit in view of the inquiry, the same is liable to be dismissed.

8. Upon hearing learned counsel for the parties, it is noted that as observed earlier, the matter had appeared before this Court and the relevant orders that have been reproduced in para 4 above, show that on the contentions of the writ petitioner, the direction had been issued for conducting the inquiry. The inquiry report which is appended to the writ petition, reflects that the writ petitioner apart from other concerned officials, had been duly examined. The aspect of the cancellation of the approval has also been dealt with by the respondent No. 2, and observations and findings in the inquiry have been generated, which show that the status of the writ petitioner, is of an additional teacher in a non-sanctioned post on being appointed by the Managing Committee Kaimbatapara SSA UPS. The inquiry report showing the fact that the petitioner had been duly heard, apart from the statement of the District Mission Coordinator and the observations and findings are reproduced herein below:

“OFFICE OF THE STATE EDUCATION	Phone No.0364-2502315/ 2226062
MISSION AUTHORITY	Tele Fax: 0364-2225356/ 2226062
MEGHALAYA ::: SHILLONG	E.mail: meghalayassaplanning@gmail.com
	Kennelworth Road, Laitumkhrach, Shillong – 793003.



Meghalaya

Inquiry Report conducted on the 6th June, 2022 in the O/O The Addl. Director of School Education & Literacy, Tura, West Garo Hills District in connection with the order of the Hon'ble High Court of Meghalaya in WP(C). No. 45 of 2019 filed by Smti. Sankora Bala Shill, Asst. Teacher, Kaimbatapara JB SSA Upper Primary School Vrs State of Meghalaya & Others.

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1. **Introduction -** *In pursuance to the Order of the Hon'ble High Court of Meghalaya Dated 10.5.2022 in Writ Petition No. WP(C) No. 45 of 2019, I have conducted an inquiry into the appointment of teachers at Kaimbatapara JB SSA Upper Primary School.*

For the purpose of my inquiry a notice Dated 11.5.2022 was issued to all Respondents including the Petitioner to appear before me and to attend a hearing on the 6th June, 2022 at the O/O Addl. Director of School Education & Literacy, Tura from 11.00 am onwards including submission of documents if any in support of the claims and counter claims. The list of officials and parties concerned present during the Inquiry is enclosed at Annexure –I.

2. **Proceedings of the Inquiry –** *At the outset of the Inquiry, I have explained the Order of the Hon'ble High Court of Meghalaya Dated 10.05.2022 to all the officials and parties present during the Inquiry pertaining to 2(two) documents filed by the Petitioner and the Respondent before the Hon'ble High Court of Meghalaya which was issued by the Jt. DMC (SSA), Dadenggre. 1. Order Dated 29/4/2022 and 2. Order Dated 25/1/2019 respectively which are contradictory to each other. Further, in order to get a clear perspective on the matter related with the two documents referred above, all the officials/respondents were asked to give their views, comments and statements to be recorded to find out the clear picture and position of the case arising out of the two documents mentioned above. I have also recorded the*



statements of officers and other respondents including the Petitioner.

(1) Statement of Shri. Rod Tenang A Sangma, District Mission Coordinator (SSA), West Garo Hills District, Tura – Respondent No. 3 –

The District Mission Coordinator (DMC) SSA, West Garo Hills District in his submission in the Inquiry state that-

Kaimbatapara JB SSA Upper Primary School was brought under SSA support Vide Letter No. SSA/WGH/UpgradationLPS-UPS/2009-10/3277 Dated 11.2.2010 with (1) Shri. Hiralal Rabha, (2) Shri. Fozial Hoque and (3) Smti. Nabami Rabha. The above teachers were deputed to undergo 15(fifteen) days Induction training before resuming their service in their school. Their salary also was paid and transferred to the Bank account of the school.

He stated that the dispute in Kaimbatapara JB SSA School started with the approval of one teacher Smti. Sankori Bala Shill (Petitioner) as Social Study teacher by the then Jt. District Mission Coordinator (SSA) , Dadanggre (**Shri. Thomas S. Sangma**) Vide Order Dt. 25.1.2017 basing on the resolution of the School Managing Committee of the school Dt. 21.4.2017. However, as per RTI information Dt. 4.1.2019 furnished by the SMC of Kaimbatapara JB SSA UPS revealed that there was no such resolution passed by the above SMC considering the Petitioner as Social study teacher. Thus the Jt. DMC (SSA), Dadenggre (Shri. Thomas S. Sangma) cancelled the said approval above (Dt. 25.1.2017) Vide Order Dt. 25.1.2019 citing forgery in obtaining approval by the Petitioner. The District Mission Coordinator (SSA) further revealed that as per record, the Petitioner was appointed as MIL teacher.

He also stated that the inclusion of the Petitioner as sanctioned teacher in TIMS (Teacher Information Management System) Vide Order Dt. 30.08.2018 was



based on the approval Dt. 25.1.2017 issued by the then Jt. DMC (SSA) Dadenggre (Shri. Thomas S. Sangma) which was later cancelled by the same Officer. He also further stated that compilation of data under TIMS is yet to be finalized and approved by the Dept/Govt. for official reference.

Further, he also stated that the approval Orders issued provisionally by the different Jt. District Mission Coordinator (SSA) Dadenggre located at the Sub-Division are **not valid as per SSA norms** as all official sanctions are issued from the O/O The District Mission Coordinator (SSA) who is the District Head and authorized officer in matter of sanctioning of various Grants/Appointment and other administrative orders. Then he also confirmed that the data of all schools in the state are being compiled every year known as **UDISE (Unified District Information of School Education)** and the name of Smti. Sankori Bala Shill (Petitioner) does not appear as sanctioned teacher or SSA supported teacher but rather as SMC appointed teacher.

The Statement of the District Mission Coordinator (SSA), West Garo Hills District, Tura is enclosed as ANNEXURE II.

(2) Statement of Shri. Rajen K.Hajong I/C Jt. District Mission Coordinator (SSA), Dadanggre Sub-Division, West Garo Hills District – Respondent No. 4.

I have also recorded the statement of Jt. District Mission Coordinator (SSA), Dadanggre who recently took charge in the said Sub-Division.

- (1) He said that as per records available, the approval of appointment of Smti. Sankori Bala Shill was issued Vide Order Dt. 25.1.2017 based on the resolution of the SMC of Kaimbatapara JB SSA School Dt. 21.4.2016. However, as per RTI information sought by Smti. Nabami Rabha related with the resolution Dt. 21.4.2016, it revealed that no such record of copy of



meeting resolution No. 2 has been taken by the SMC of Kaimbatapara JB SSA School. Hence, the then Jt. District Mission Coordinator (SSA), Dadanggre (Shri. Thomas S Sangma) cancelled the approval Vide Order Dt. 25.1.2019.

(2) Further he also stated that the then Jt. District Mission Coordinator (SSA), Dadanggre (Smti. Ella Begum Lasker) has also approved the appointment of teachers vide Memo. No. Jt. DMC-D/SSA/Appt/Tr/2017/290-93 dated 26/07/2017 based on the resolution No. 2 dated 01/02/2010 which was recorded in the issue register. The above order is enclosed as Annexure-III. The said Jt. DMC above has also reinstated the service of Smti. Sankori Bala Shill Vide Memo No. J.TDMC-D/SSA/Reinstate/Order/2019 dated 07/03/2019. After the above teacher was terminated by the SMC vide order dated 26/02/2019. However, he stated that the reinstatement order dated 07/03/2019 was not recorded in the issue register of the office.

(3) In view of the above facts, he stated that the claim of the Petitioner as sanctioned teacher under SSA is baseless.

The Statement of the Jt. District Mission Coordinator (SSA), Dadanggre Sub-Division, West Garo Hills District, is enclosed as ANNEXURE IV.

(3) Statement of Shri. Emelious D. Sangma, SEO & Block Mission Coordinator (SSA), Selsella C & RD Block, West Garo Hills District Respondent No. 5-

(1) As per records available in his office, Smti. Sankori Bala Shill (Petitioner) was approved as Social study teacher without the knowledge and resolution of the SMC of Kaimbatapara JB SSA School.

(2) Smti. Sankori Bala Shill was not appointed in the sanctioned post by the Managing Committee of the School.

The Statement of the Block Mission Coordinator (SSA), Selsella is enclosed as ANNEXURE V.



(4) Statement of Shri. Hiralal Rabha, Headmaster Cum Ex-Officio Convener, Managing Committee, Kaimbatapara JB SSA Upper Primary School. Respondent No. 6.

The Headmaster Cum Ex-Officio member, Managing Committee, Kaimbatapara JB SSA Upper Primary School in his statement submits the following facts related with matters on the appointment of teachers in the said school as given below:-

- (1) In his statement, he stated that when the school was brought under SSA in the year 2010, four teachers were appointed Viz : 1. Shri. Abu Hussain as Headmaster (sanctioned post) who later left the school, (2) Smti. Nabami Rabha as Asst. Teacher (sanctioned post) (3) Shri. Fozial Hoque as Science Teacher (sanctioned post) and (4) Smti. Sankori Bala Shill as Addl. Teacher (Non-sanctioned post). The proceedings dated 30.3.2010 is enclosed as ANNEXURE VI.*
- (2) That he (Shri. Hiralal Rabha) was appointed as Headmaster in place of Shri. Abu Hussain who left the school. He also stated that Smti. Sankori Bala Shill was not appointed in a sanctioned post but as Addl. Teacher and her salary was paid by the Managing Committee of the school. In support of his claim he furnished the contract appointment issued by the District Mission Coordinator (DMC) SSA, West Garo Hills District consisting of the teachers mentioned in Para (1) above and the Acquittance Roll Register for the month of April & May, 2010. The copies of appointment orders are enclosed as ANNEXURE VII, VIII, & IX, and the Pay Register is enclosed at Annexure X & XI respectively.*
- (3) He also stated that the teachers who were appointed in a sanctioned post have also attended the Induction Training conducted by the Block Mission Coordinator (SSA) during the year 2010. Smti.*



Sankori Bala Shill did not undergone the training as she was not appointed in a sanctioned post.

(4) He further submitted that the then Jt. District Mission Coordinator (SSA), Dadenggre (Smti. Ella Begum Lasker) Vide Order Dt. 26.7.2017 had approved the following teachers:-

(1) Shri. Hiralal Rabha, (2) Smti. Nabami Rabha, (3) Shri. Fozial Hoque. He also stated that Smti. Sankori Bala Shill was not appointed in a sanctioned post whereas (Smti. Ella Begum Lasker) has also issued one letter Dt. 29.4.2019 stating that Smti. Sankori Bala Shill is a SSA supported contractual teacher working at Kaimbatapara JB SSA Upper Primary School which is contradictory. The Order Dt. 26.7.2017 and Dt. 29.4.2019 are enclosed as ANNEXURE XII & XIII respectively.

(5) He then went on to state that the then I/C Jt. DMC (SSA), Dadenggre (Shri. Thomas S Sangma) has issued provisional order stating that Smti. Sankori Bala Shill is a Social study teacher Vide Order Dt. 25.1.2017 which was later cancelled by the same Officer above due to forgery and fake resolution of the SMC of Kaimbatapara JB SSA Upper Primary School which Smti. Sankori Bala Shill produced and was detected by filing RTI application by Smti. Nabami Rabha and later cancelled by the same Officer Shri. Thomas S. Sangma. (6) Lastly, he also submitted that the UDISE data also indicates that Smti. Sankori Bala Shill is not a sanctioned teacher.

The Statement of Shri. Hiralal Rabha, Headmaster Cum Ex-Officio Convener, Managing Committee, Kaimbatapara JB SSA UPS is enclosed as ANNEXURE XIV.

(5) Statement of Smti. Sankori Bala Shill, Petitioner.

The Petitioner Smti. Sankori Bala Shill was also present during the inquiry and she was given the opportunity to submit her claim who made the following statement:-



(1) In her statement, she stated that she has filed her Petition in the Hon'ble High Court because she was illegally removed from the sanctioned post and her salary was not paid by the School Managing Committee.

(2) She also stated that she was appointed in the sanctioned post as a social study teacher in the year 2010 and have been continuously serving in the school without any break till date. She alleged that the present Headmaster, Shri. Hiralal Rabha has targeted her and removed her in order to appoint his wife in her place. Her salary was also stopped from April, 2019.

(3) Her appointment was provisionally approved by the Jt. District Mission Coordinator (SSA), Dadenggre but was cancelled without following any official procedure which is illegal. The whole matter was enquired by the BRC and CRC and she was found to be a genuine teacher but she was terminated by the Headmaster without any show cause notice.

(4) After her appointment, she has undergone in-service training (not induction training) for a period of 10 days for which she has obtained a certificate which shows that she was appointed in a sanctioned post.

(5) She also stated that her name was also included in TIMS which indicates that she is an original teacher and also submitted other documents for scrutiny and verification.

(6) She then stated and made submission that after her termination, she was re-instated in her post by the then Jt. District Mission Coordinator (SSA), Dadenggre (Smti. Ella Begum Lasker) and since then she has been attending school everyday but she was not allowed to sign in the Attendance Register of Teachers by the Headmaster. Therefore, she has maintained her own Attendance Register duly certified by the then Jt. DMC, Dadenggre (Smti. Ella Begum Lasker).



3. **Observations:** During the course of my inquiry, I have observed that during the last few years, maximum number of court cases under the Education Dept. are from Dadenggre Sub-Division. The reason for the disputes, claims and in counter claims is that the school authorities of SSA schools under Dadenggre Sub-Division has been appointing excess number of teachers than the prescribed norms which are making things complicated by producing/manufacturing documents and official Orders which ultimately leads to so many litigations.

In this connection, it may be worth mentioning that particularly with this instant case, one letter/direction was issued from the O/O The State Project Director (SSA), Shillong Vide No. MEGH/SEMAM-SSA/AO/CC/11/2019/55 Dated 18.3.2018 where many relevant issues were highlighted for information and necessary action and compliance by the concerned officials and SMCs. The said letter above is enclosed as ANNEXURE XVI.

4. **Findings of the inquiry** – I have examined the following documents presented before me by the officers of the District Mission Coordinator (SSA), Tura and Jt. District Mission Coordinator (SSA), Dadenggre Sub-Division as well as the school authority represented by the Headmaster including the Petitioner :-

- (i) Order Dated 29/4/2019 and Dated 26.7.2017 approval order issued by the Jt. District Mission Coordinator, Dadenggre Sub-Division (Smti. Ella Begum Lasker)
- (ii) Order Dated 25.1.2017 and Dated 25/1/2019 for approval and cancellation issued by the Jt. District Mission Coordinator, Dadenggre Sub-Division (Shri. Thomas S. Sangma)
- (iii) Proceeding of the Managing Committee of Kaimbatapara JB SSA UPS Dt. 30.1.2010,



(iv) Appointment orders of Shri. Abu Hussain, Smti. Nabami Rabha and Shri. Fozial Hoque issued by the District Mission Coordinator, Tura Dated 29.6.2010.

(v) Acquittance Register of the salary of Teachers of Kaimbatapara JB SSA UPS for the month of April & May, 2010.

I have also examined the statement of Officers of the O/O The District Mission Coordinator (SSA), Tura, Jt. District Mission Coordinator (SSA), Dadenggre Sub-Division, Headmaster Cum Secretary of the school including the Petitioner.

After examining all the different aspects the case my findings from the statements made before me and the documents made available for verification clearly indicates that :-

(1) The teachers who were appointed and approved by the District Mission Coordinator (SSA), West Garo Hills District in the sanctioned post are:

- (i) (Shri. Abu Hussain) replaced by Shri. Hiralal Rabha
- (ii) Smti. Nabami Rabha
- (iii) Shri. Fozial Hoque.

(2) The status of Smti. Sankori Bala Shill (Petitioner) is an Addl. Teacher (Non-sanctioned post) appointed by the Managing Committee of Kaimbatapara JB SSA UPS. The salary of the above teacher is borne by the concerned Managing Committee, Kaimbatapara JB SSA UPS.

(3) The approval and cancellation order in respect of Smti. Sankori Bala Shill (Petitioner) issued by the then Jt. District Mission Coordinator (SSA), Dadenggre Vide Letter Dt. 29.4.2019 issued by Smti. Ella Begum Lasker and Dt. 25.1.2019 issued by Shri. Thomas S. Sangma



respectively which had led to the dispute do not have any merit and not maintainable as both of them are subordinate officers who do not have any authority to issue any such approval orders.

*(4) As for the claim made by Smti. Sankori Bala Shill that her name has been recorded in the TIMS (Teachers Information and Management System) cannot be **construed** that she is appointed in the SSA sanctioned post as TIMS is only at the stage of data collection on pilot basis which is yet to be finalized by the State Government.*

(5) As for her claim that her salary was withheld from April 2019, it is the responsibility of the SMC to pay the salary of teachers (Non-sanctioned post) by the concerned SMC. Therefore, finally my finding is that the claim of Smti. Sankori Bala Shill is not justified as she is not appointed in the SSA sanctioned post. She is purely appointed as Additional Teachers (Non-sanctioned post) by the SMC.

Submitted for information of the Hon'ble High Court of Meghalaya.

Sd/-

(Shri. A. Ch. Marak,

IAS)

*Secretary to the Govt. of Meghalaya,
Education Dept & State Project Director,
SEMAM-SSA, Shillong."*

9. A perusal of the proceedings and report of the inquiry reflects that there is no irregularity or any denial of opportunity of hearing to the writ petitioner to vitiate the findings in any manner. There is also no allegation



that there were any procedural irregularities in the inquiry or any violation of the Principles of natural justice.

10. It is further observed by this Court that the appointment of the writ petitioner on 04-03-2010, was on a consolidated pay by the Managing Committee itself, and was to the post of an MIL teacher and not Social Studies teacher as alleged by the writ petitioner. An examination of the affidavit of the respondents No. 5, 6, & 7, wherein the records furnished by the State respondents have been annexed also confirm the fact that the petitioner is a teacher appointed by the Managing Committee.

11. Though vehement submissions have been advanced by Mr. S.K.Hassan, learned counsel for the petitioner for demanding a re-inquiry, on the basis of the findings of the inquiry and discussions made herein above, it is seen that adequate opportunity was afforded to the writ petitioner and the factum of the alleged illegal approval and cancellation have also been addressed. As such, the prayer for a re-inquiry does not seem to have any merit.

12. However, it is noted that as the teacher had been appointed by the Managing Committee, the salary is to be borne by the said Managing Committee and as such therefore, it is their responsibility to pay the writ petitioner for whatever services she has rendered. Though it has been submitted that the petitioner is still in service which has been disputed by



the respondents, the same being a matter of disputed facts, the Court is not making any observation in this regard.

13. The petitioner is at liberty to make her claim for whatever salary she feels entitled before the Managing Committee, within a period of two months hereafter, and the same be addressed by the Managing Committee within a period of four weeks thereafter.

14. Matter accordingly stands closed and disposed of.

Judge