

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No.50/2023 with
MC (WA) No.53/2023
WA No.51/2023 with
MC (WA) No.54/2023
WA No.52/2023 with
MC (WA) No.55/2023

Date of Order: 08.05.2024

Shri Nurul Amin Appellant

Vs.

1. Smti. Nazila Begum
2. The State of Meghalaya represented by Secretary, Government of Meghalaya, Department of Education, Shillong.
3. Project Director State Education Mission Authority of Meghalaya (SEMAM), SSA, Shillong.
4. Khetadhowa UP School Managing Committee, P.O. Bhaitbari P.S. Phulbari, West Garo Hills District (represented by the Secretary School Managing Committee).
5. Smti. Sabina Yasmin. Respondents

Shri Nurul Amin Appellant

Vs.

1. The State of Meghalaya represented by Secretary, Government of Meghalaya, Department of Education, Shillong.
2. Project Director State Education Mission Authority of Meghalaya (SEMAM), SSA, Shillong.
3. Joint District Mission Co-ordinator SSA, Tura, West Garo Hills District Meghalaya.
4. Smti. Shobuza Begum Respondents

Shri Nurul Amin Appellant

Vs.

1. The State of Meghalaya represented by Secretary, Government of Meghalaya, Department of Education, Shillong.
2. Joint District Mission Co-ordinator SSA, Dadenggre, West Garo Hills District Meghalaya. Respondents

Coram:

Hon'ble Mr. Justice S. Vaidyanathan, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance in WA No.50 of 2023:

For the Appellant : Ms. P. Agarwal, Adv
For the Respondents : Mr. S. Deb, Adv for R/1
Mr. N.D. Chullai, AAG with
Ms. Z.E. Nongkynrih, GA
Mr. D. Deb, Adv for R/4&5

Appearance in WA No.51 of 2023:

For the Appellant : Ms. P. Agarwal, Adv
For the Respondents : Mr. N.D. Chullai, AAG with
Ms. Z.E. Nongkynrih, GA
Mr. S. Deb, Adv for R/4

Appearance in WA No.52 of 2023:

For the Appellant : Ms. P. Agarwal, Adv
For the Respondents : Mr. N.D. Chullai, AAG with
Ms. Z.E. Nongkynrih, GA

ORDER

(Made by the Hon'ble Chief Justice)

Learned counsel for the appellants, amidst various averments, has averred that no copy of the enquiry report has been furnished to the appellants, which is in violation of the principles of natural justice.

2. In our opinion, the report does not relate to usual disciplinary proceeding, wherein it is mandatory to call for comments and take a decision after furnishing a copy of the report.

3. In so far as the enquiry report in this case is concerned based on the orders of the Court, inquiry was conducted and the report was produced before the Court.

4. At this point of time, it is brought to the notice of this Court by the learned counsel for the appellants that since the report has got a bearing on the issues involved in these cases, despite her verbal request for furnishing a copy of the report, the same has not been provided to her.

5. If such a stand is taken by the learned counsel, in our view the appellants have to approach the learned Single Judge by way of filing review petitions by putting forth all her defence available to them including the one of non-issuance of enquiry report.

6. At this juncture, learned counsel for the appellants on instructions seeks permission of this Court to withdraw these Writ Appeals with liberty to file review petitions before the learned Single Judge and she has also made an endorsement in Court bundle to that effect.

7. In view of the aforesaid submission, permission is granted and WA No.50 of 2023, WA No.51 of 2023 and WA No.52 of 2023 are dismissed as withdrawn by giving liberty to the appellants to approach the learned Single Judge by way of filing review petitions, if so advised. If any such petitions are filed it is for the learned Single Judge to decide the issue with regard to the plea made by the learned counsel for the appellants including the maintainability of review petitions in accordance with law. It is made clear that the period during which the Writ Appeals are pending may be excluded for the purpose of

commuting the number of days in filing the review petitions. No costs.

8. Consequently, connected miscellaneous applications are closed.

(W. Diengdoh)
Judge

(S. Vaidyanathan)
Chief Justice

Meghalaya
08.05.2024
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