

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WA No.54/2023

Date of Order: 14.02.2024

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Aynul Hoque Vs. State of Meghalaya & ors

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**Coram:**

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

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**Appearance:**

For the Appellant : Mr. M.F. Qureshi, Adv  
For the Respondents : Mr. N.D. Chullai, AAG with  
Ms. Z.E. Nongkynrih, 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

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**J U D G M E N T**

**(Hon'ble, the Chief Justice) (Oral)**

The present Writ Appeal has been preferred against the order dated 20.11.2023 passed in WP (C) No.363 of 2023.

**Brief facts in nutshell:**

2. The case of the appellant is that he was appointed as an Assistant Teacher in Lower Primary School on contractual basis in Singimari Government L.P. School on 16.06.2011 against the vacant post, pursuant to which, he had joined duty on 17.06.2011 and the same had been extended from time to time. To the shock and surprise, all of a sudden, the contractual employment was discontinued by an order dated

01.07.2023, by referring to the order of this Court dated 02.11.2017 on the ground that the appellant is a tainted teacher;

2.1. Aggrieved by such discontinuation, the Writ Petitioner had knocked at the doors of this Court by filing a Writ Petition in W.P.(C) No.253 of 2023, which was disposed of by this Court on 22.08.2023, permitting the appellant to file a representation before R2, by raising factual and legal pleas available to him within two weeks, consequent to such direction, a representation was filed by the appellant. However, the 2<sup>nd</sup> respondent justified the order of termination and rejected the representation of the appellant on 26.09.2023;

2.2. The order dated 26.09.2023 was questioned by the appellant before the learned Single Judge in W.P.(C) No.363 of 2023 and the same was dismissed by the learned Single Judge on 20.11.2023, on the ground that the representation submitted by the Writ Petitioner/appellant herein had been considered in detail and that as per the reports of CBI and HLSC, there were 10 candidates who have been declared as tainted and the Writ Petitioner/ Appellant is one among them.

3. The main plea advanced by the learned counsel for the appellant is that though there was a reference to the order dated 02.11.2017 of this Court, the said order was not brought to the attention

of the parties concerned. He also drew the attention of this Court to the interim order made in WP (C) No.253 of 2019 dated 04.12.2019 directing the authorities to continue the writ petitioner to discharge his duties in the post of Assistant Teacher on usual payment. It is submitted by the appellant that the order of termination is arbitrary and discriminatory and till a regular appointment is made against the post of Assistant Teacher, he may be permitted to continue in service and such averment made in the writ petition has been negatived by the learned Single Judge.

4. On a perusal of the order impugned in the Writ Petition and the order of the learned Single Judge, it is seen that on the basis of the advertisement dated 10.12.2008, the Writ Petitioner / appellant herein and others had participated in the selection process for appointment to the post of Assistant Teacher in Government L.P. School. However, there was a dispute over the method of selection and based on a complaint against the selection process, a detailed inquiry was conducted by the CBI on the directions issued by this Court, by which it was found that there were certain irregularities taken place. It is not in dispute that on enquiry, it came to light that the appellant had indulged in certain unwanted activities along with others and therefore, he was declared to be a tainted person, thereby the relief sought for by him was not granted.

Even though the Writ Petitioner / appellant has made a hue and cry over the esoteric attitude of the Official respondent in not disclosing the order dated 02.11.2017, pursuant to the order of the learned Single Judge, the order dated 02.11.2017 has got merged with the order impugned herein, by which, this Court had directed the representation of the Writ Petitioner / appellant to be considered in accordance with law after affording due opportunity to the Writ Petitioner / Appellant and the learned Single Judge has also extracted / incorporated the relevant portions of the order of the 2<sup>nd</sup> respondent dated 26.09.2023 in the order.

5. It is needless to mention here that a Teacher must be beyond controversy. In this country, teachers are regarded as Guru and Gods / Goddess and the Hon'ble Supreme Court in the case of **Avinash Nagra Vs. Navodaya Vidyalaya Samiti and others**, reported in **1997(2) SCC 534**, held as under:

“.....The quality, competence and character of the teacher are, therefore, most significant to mould the institutions and to sustain them in their later years of life as a responsible citizen in different responsibilities.

10. Mahatma Gandhi, the Father of the Nation has stated that “a teacher cannot be without character. If he lacks it, he will be like salt without its savour. A teacher must touch the hearts of his students. Boys imbibe more from the teacher's own life than they do from books. If teachers impart all the knowledge in the world to their students but do not inculcate truth and purity amongst them, they will have betrayed them.....

.....Dr.S.Radhakrishnan has stated that “we in our country look upon teacher as gurus or, as acharyas. An Acharya is one whose aachar or conduct is exemplary. He must be an example of Sadachar or good conduct. He must inspire the pupils who are entrusted to his care with love of virtue and goodness. ....”

11.It is in this backdrop, therefore, that the Indian society has elevated the teacher as “**Guru Brahma, Gurur Vishnu, Guru Devo Maheswaraha**”. As Brahma, the teacher creates knowledge, learning, wisdom and also creates out of his students, men and women, equipped with ability and knowledge, discipline and intellectualism to enable them to face the challenges of their lives. As Vishnu, the teacher is preserver of learning. As Maheswara, he destroys ignorance. ....”

6. In view of what is stated hereinabove, we are of the view that the order of the learned Single Judge does not warrant any interference by this Court and Writ Petitioner / Appellant is not entitled to the relief sought for in the appeal.

7. Accordingly, the Writ Appeal is dismissed. No costs.

**(W. Diengdoh)**  
**Judge**

**(S. Vaidyanathan)**  
**Chief Justice**

Meghalaya  
14.02.2024

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