



Serial No. 03
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 5 of 2024

Date of Decision: 05.03.2025

The Managing Committee of Rai
Bahadur Hindi Secondary School
Keating Road, Shillong represented by its
President

:::Petitioner

-Vs-

1.State of Meghalaya
Represented by its Commissioner
Secretary to the Government of
Meghalaya Education Department
East Khasi Hills Meghalaya

2. The Director of School Education
and Literacy, Meghalaya, Shillong

3.The District School Education Officer
East Khasi Hills, Shillong, Meghalaya

4.Shree Marwari Panchayat, Shillong,
Eldorado Building, Jail Road, Shillong – 1,
Represented by its Secretary, Shri. Mahabir
Prasad Singhania (Newly impleaded as
Respondent No. 4 vide Hon'ble Court's
Order dated 07.05.2024 passed in
MC(WPC) No. 24 of 2024

:::Respondents



Coram:

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

Appearance:

For the Petitioner/Appellant(s) :	Mr. M.F.Qureshi, Adv. Mr. L. Koch, Adv.
For the Respondent(s) :	Mrs. T. Yangi. B, AAG with Ms. I. Lyngwa, GA (For R 1-3) Mr. S. Jindal, Adv. with Mr. I. Kharmujai, Adv.(For R 4).

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 brief facts of the case are that the term of the last Managing Committee of Rai Bahadur Hindi Secondary School stood expired on 03.02.2024 and the outgoing Managing Committee before the expiry of the term had on 31.10.2023, submitted a proposal before the respondent No. 2 for reconstitution and approval of the Managing Committee for a period of 3(three) years w.e.f. 04.02.2024 to 03.02.2027. However, inspite of the expiry of the term, no approval was granted by the respondent No. 2, for the



said reconstitution, which prompted the petitioner to approach this Court by way of this writ application praying for directions, to issue to the respondents No. 2 and 3 to pass necessary orders of approval.

2. Mr. M.F. Qureshi, learned counsel for the petitioner has submitted that though the proposal had been submitted well before the expiry of the term of the outgoing Managing Committee, wherein all the necessary particulars had been submitted by letter dated 31.10.2023, the respondents No. 2 and 3, however, did not accord the approval on time. The learned counsel submits that everything had been observed as per procedure, including the fact that the outgoing Managing Committee was the body which had made the proposal for reconstitution. He has further submitted that the reason given by the State respondents on affidavit that the proposal had not been cleared, due to the fact that the same had been objected to by the newly impleaded respondent No. 4, would be of no consequence, as it was upto the respondents No. 2 and 3 to take a decision in the matter.

3. The learned counsel then submits that as there has been no Managing Committee for over a year, which has affected the management of the school, justice would be served if the instant writ petition is disposed of by directing the respondent No. 2 to consider the matter on the basis of the proposal as submitted and to take a decision thereon.



4. Mrs. T. Yangi. B, learned AAG assisted by Ms. I. Lyngwa, learned GA appearing for the respondents No. 1-3 has also submitted that as the matter was yet to be decided by the competent authority i.e. the respondent No. 2, directions may be issued that the matter be examined and orders passed in accordance with law.

5. Mr. S. Jindal, learned counsel appearing for the respondent No. 4, the Association which has raised a rival claim of being the rightful sponsoring body, though not having any objections to the disposal of the writ petition, in terms of the submissions of the learned counsel for the petitioner and the learned AAG, has however, submitted that the consideration and disposal of the matter by the respondent No. 2, should be strictly in accordance with the Acts and Rules, as applicable.

6. Having heard the learned counsel for the parties, this Court notes that the writ petition had been filed on 30.01.2024, as no approval had been forthcoming on the proposal for reconstitution of the Managing Committee of the school, whose term was to expire on 03.02.2024. This Court then by order dated 01.02.2024, due to the impending expiry of the term of the outgoing Managing Committee, directed that the respondent No. 3 to look after the affairs of the school in the interim, a situation which is continuing till today. The instant matter then stood delayed due to the fact that the respondent No. 4 i.e. the Marwari Panchayat Committee had sought



impleadment in the case, which was allowed by this Court on 07.05.2024, and thereafter after pleadings had been exchanged and completed, a year has already passed with the issue still lying unresolved.

7. As observed earlier, the petitioner Managing Committee, had come before this Court only with regard to the non-grant of approval of the reconstituted Managing Committee, and it is not a case where this writ petition has been filed impugning any order passed by the respondent No. 2. As can be seen from the affidavit of the State respondents, a decision was yet to be taken, as there was a counter claim and a proposal put up by the respondent No. 4, to reconstitute the Managing Committee.

8. As such, therefore, there being no real point in issue to be decided by this Court, this writ petition is disposed of by directing the respondent No. 2 to pass necessary orders in the matter, strictly in accordance with law.

9. It is expected that the matter be disposed of expeditiously as the school has been functioning without a regular Managing Committee for over a year now.

10. As ordered, matter stands closed and disposed of.

11. No order as to costs.

Judge

Meghalaya
05.03.2025
"D.Thabab-PS"