



Serial No.01 & 02
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 172 of 2021 with
WP(C). No. 497 of 2021

Date of Decision : 12.02.2025

WP(C). No. 172 of 2021

Shri. Strickly Syiemlieh (duly elected
President of the School Managing Committee),
R/o Mawrapad, House No. 32,
Village Mawrapad,
East Khasi Hills District,
Meghalaya-793113.

...Petitioner.

-Versus-

1. State of Meghalaya,
Represented by Chief Secretary,
Shillong.
2. The Commissioner & Secretary of
Education Department,
Meghalaya, Shillong.
3. The Director Elementary School
Meghalaya.
4. Deputy Inspector of Schools,
Shillong.
5. Sub-Divisional School Education Officer,
Shillong.



6. Managing Committee of Mawrapad L.P. School,
Mawsynram CD Block,
represented by its President, namely,
Kymenskhem Shangdiar
Resident of Mawrapad,
East Khasi Hills District – 793113.
7. The Dorbar Shnong of Mawrapad
represented by its Headman (namely
Kymenskhem Shangdiar),
Malai Sohmat Syiemship.

...Respondents.

Coram:

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

Appearance:

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| For the Petitioner/Applicant(s) : | Mr. H.L.Shangreiso, Sr. Adv. with
Ms. M.Hajong, Adv. |
| For the Respondent(s) : | Mr. H.Abraham, GA and
Ms. R.Colney, GA for R 1-5.
Mr. B.Khyriem, Adv. for R 6 & 7. |
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AND

WP(C). No 497 of 2021

1. Managing Committee of Mawrapad U.P.School,
Mawrapad Village,
East Khasi Hills District,
Meghalaya – 793113.
2. Shri. Strickly Syiemlieh (duly elected Joint Secretary
of the School Managing Committee),
R/o. Mawrapad, House No. 32,
Village Mawrapad,
East Khasi Hills District,
Meghalaya – 793113.

...Petitioners



-Versus-

1. State of Meghalaya,
Represented by Chief Secretary,
Shillong.
2. The Commissioner & Secretary of
Education Department, Meghalaya,
Shillong.
3. Sub-Divisional School Education Officer,
Shillong.
4. Interim Managing Committee of
Mawrapad U.P. School,
Mawrapad Village, represented by its President,
namely, Shri. P.Sunn.
5. Shri. P.Sunn,
Sub-Inspector of School Education Officer,
(SDSEO) cum President of the
Interim Managing Committee of
Mawrapad U.P. School, Mawrapad.

...Respondents

Appearance:

For the Petitioner/Applicant(s) : Mr. H.L.Shangreiso, Sr. Adv. with
Ms. M.Hajong, Adv.

For the Respondent(s) : Mr. H.Abraham, GA and
Ms. R.Colney, GA for R 1-3.
Mr. B.Khyriem, Adv. for R 4 & 5.

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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

1. The writ petitioner in WP(C). No. 172 of 2021 is before this Court assailing an order dated 09-03-2021, whereby the new Managing Committee of Mawrapad L.P. School had been approved, by alleging that the same was without any basis and without holding a proper election or selection. A challenge has also been made to the non-approval of a Managing Committee constituted on 12-02-2020, with the petitioner as the President.

2. The writ petitioner in the above noted writ petition has asserted that though the Mawrapad L.P. School was established by the Dorbar Shnong of Mawrapad (respondent No. 7) in the year 1976, from 15-03-1980 onwards, the entire ownership and management of the said school had been handed over to the petitioner who thereafter, ran and managed the school for decades. As such, on this assertion, the writ petitioner has claimed rights in perpetuity over the said school. The respondent No. 7 on the other hand, had made a complaint before the State respondents on 10-10-2019 that the writ petitioner had illegally converted the community school into a private school and prayed that necessary action be taken. In this backdrop, which became a tussle between the village Dorbar which maintained that the school belongs to the community, and the writ



petitioner who asserted that the same had been handed over to him by the village itself since 1980, on the recognition of the Managing Committee constituted by the village by disregarding the claim of the writ petitioner, this writ petition has been filed.

3. In the second writ petition i.e. WP(C). No. 497 of 2021, the same had been preferred in the name of the Managing Committee of Mawrapad Upper Primary School with the writ petitioner in WP(C). No. 172 of 2021 as petitioner No. 2. In this writ petition, an order dated 10-12-2021 and letter dated 20-12-2021, issued by the Sub-Divisional School Education Officer, Shillong (respondent No. 3) whereby an interim Managing Committee has been put in place is under challenge. The grounds taken in this writ petition are similar to the earlier writ petition, only with the slight variance that the management and ownership of the school, had been handed over by the village to the writ petitioner No. 2 on 18-03-1991.

4. As both the above noted writ petitions stem from the claim to full ownership of the writ petitioner (Shri Strickly Syiemlieh) on the assertion that the schools had been handed over to him, and that only he can constitute or propose the respective Managing Committees, the same are being disposed of by this common judgment and order.



5. Before commencing to examine the matter on merits, it is worthwhile to note that the term of the Managing Committee in the L.P. School, the approval of which is under challenge has since expired. Added to this is the fact that the writ petitioner who is seeking to establish his rights over the schools and who also is named as a President in the proposed reconstitution of the Managing Committees has also superannuated. In the second writ petition, the ad-hoc arrangement of the management being under respondent No. 3 is under challenge, so in effect there are no duly constituted Committees in both the sections of the Schools i.e. L.P. and U.P. The only exercise perhaps that can be embarked upon by this Court is to look at the competing rights and claims of the parties as to who is the rightful body to assume management of the schools and to constitute a fresh Managing Committee. In this context, to get a clear picture, this Court by order dated 06-03-2024, on hearing the parties ordered for an inquiry to be conducted. For the purpose of easy reference, the order dated 06-03-2024 passed in WP(C). No. 172 of 2021 is reproduced herein below:

“HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 172 of 2021

Date of Decision :06.03.2024

Shri. Strickly Syiemlieh

Vs. State of Meghalaya & Ors.



Coram:

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

Appearance:

*For the Petitioner/Applicant(s): Mr. H.L.Shangreiso, Sr. Adv. with
Mr. P.Dohkrut, Adv.
Mr. T.Dkhar, Adv.*

*For the Respondent(s) : Mr. H.Abraham, GA and
Ms. R.Colney, GA for R 1-5.
Mr. B.Khyriem, Adv. for 6 & 7.*

1. *The writ petitioner who claims to be the President of the Managing Committee of Mawrapad U.P. School, by the instant writ petition has prayed for the approval of the Managing Committee which was constituted on 12-02-2020.*

2. *The claim of the writ petitioner is based on the fact that the School initially known as the Lower Primary School of Mawrapad, was established by the Dorbar Shnong of Mawrapad in 1976, but due to shortage of funds, the respondent No. 7, by an agreement dated 15-03-1980, had handed over the School to the writ petitioner who thereafter, managed the School till 2020.*

3. *It appears that the non-approval of the constitution of the Managing Committee of the petitioner was due to the fact that another Managing Committee which included the Headman and Secretary of the respondent No. 7, had since been approved for a term of three years w.e.f. 05-03-2021 to 04-03-2024. The said order whereby the Managing Committee has been approved finds place at Annexure- 20 to the writ petition.*

4. *Without delving into the facts and merits of the case, what can be seen from the records is that the Managing Committee which had been approved by the impugned order dated 09-03-2021, has also run its course, inasmuch as, the term was till 04-03-2024. Therefore, at present, there is no Managing Committee which has been reconstituted or is functioning in respect of Mawrapad L.P.School.*

5. *Mr. H.L.Shangreiso, learned Sr. counsel assisted by Mr. P.Dohkrut, learned counsel on behalf of the petitioner submits that this writ petition has been filed on the premise that respondent No. 7, had not only handed over the management of the School to the writ petitioner, but in fact had relinquished all other rights, such as title etc., and since the handing over, the School was entirely owned, managed by the writ petitioner, and*



the writ petitioner was the sole sponsoring person of the Managing Committees which were constituted thereafter. It is therefore contended that the respondent No. 7 has no authority or right to assume the management of the School and to constitute a fresh Managing Committee. Certain other arguments have been forwarded by the learned Sr. counsel for the petitioner based on the averments made in the writ petition, which however, are in the realm of disputed facts which this Court sitting in Article 226 jurisdiction, cannot enter into to adjudicate.

6. *Mr. H.Abraham, learned GA appearing for the respondents No. 1-5, in his submission has relied upon the affidavit filed by the State respondents and submits that in connection with the affairs of the School, a spot inspection had also been carried out due to the complaints against its functioning under the writ petitioner. The spot inspection, he submits, had revealed a very sorry state of affairs, with the enrollment standing at only 16 at the U.P.School. He therefore, submits that it was in this backdrop that the Managing Committee as proposed by the writ petitioner was not approved.*

7. *Mr. B.Khyriem, learned counsel appearing for the respondent No 7 has maintained that the School which was initially set up by the community should remain with the community, and that the writ petitioner in running the management of the School as sole proprietorship is untenable, which he submits is reflected in the proposal for reconstitution wherein the members are all family members of the writ petitioner, apart from the teacher.*

8. *This Court has considered the submissions of the learned counsel for the parties and has also examined the materials on record, as also the spot inspection report dated 07-02-2020. Notwithstanding the spot inspection report, the fairness of which is questioned by the writ petitioner as observed earlier, due to the presence of disputed facts as to the claims and counter claims of the writ petitioner and respondent No. 7 and whether there exists more than one School as had been alleged; this Court deems it fit at this stage, especially taking into the account the fact that the approved Managing Committee has since expired, to direct for an enquiry to be conducted by the Director of School Education & Literacy, Meghalaya, Shillong, into the affairs of Mawrapad L.P. and U.P.School. Needless to add, adequate opportunity of presenting the facts and materials should be accorded to all the interested parties.*

9. *On a footnote, this Court notes with deep concern the manner in which such Schools are being administered and run, inasmuch as, it appears that the interest of the children for whom these Schools are set up and established, have totally taken a*



backseat with the persons at the helm, instead of promoting the cause of the children, are busy in all other activities except the stated objective of providing education. The enquiry should commence immediately and the report should be generated within a period of two months from the date of receipt of this order by the Director of School Education & Literacy, Meghalaya, Shillong.

10. The terms of reference for the enquiry shall be left to the wisdom of the Director of School Education & Literacy, Meghalaya, Shillong, after conducting a preliminary hearing. As the Managing Committee has since expired, the Sub-Divisional School Education Officer shall look after the affairs of the School until further orders.

11. A certified true copy of the order shall be forwarded to Mr. H.Abraham, learned GA for onward transmission and compliance.

12. List this matter on 09-05-2024.

*Sd/-
Judge”*

6. Pursuant to the order dated 06-03-2024, a report in a sealed cover was then submitted before this Court which however, was objected to by the counsel for the writ petitioner on the ground that the writ petitioner was never served proper notice and that the inquiry had been conducted by other Officers instead of the Director of School Education and Literacy. This Court on consideration of the submissions and objections raised, by order dated 29-05-2024 though not deeming it fit to order for a de novo inquiry, in the interest of justice and fair play, the writ petitioner was permitted to submit his written statement on the terms of reference of the inquiry for consideration by the inquiry authority. The order dated 29-05-



2024 also being relevant for the purposes of this discourse is reproduced in its entirety herein below:

**“HIGH COURT OF MEGHALAYA
AT SHILLONG**

WP(C). No. 172 of 2021

Date of Order :29.05.2024

Shri. Strickly Syiemlieh Vs. State of Meghalaya & Ors.

Coram:

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

Appearance:

*For the Petitioner/Applicant(s):Mr. H.L.Shangreiso, Sr. Adv.with
Mr. P.Dohkrut, Adv.
Ms. E.Wanniang, Adv.*

*For the Respondent(s) : Ms. R.Colney, GA with
Mr. H.Abraham,GA for R 1-5.
Mr. B.Khyriem, Adv. for R 6 & 7.*

1. Objections have been raised to the enquiry report filed by the respondents in a sealed cover, firstly, on the ground that the writ petitioner was never served proper notice to be present before the same, and secondly, that the order of this Court had specifically directed the Director of School Education & Literacy, Meghalaya, Shillong, to conduct the enquiry, whereas the same was done by other Officers. On these grounds, Mr. H.L.Shangreiso, learned Sr. counsel assisted by Mr. P.Dohkrut, learned counsel for the petitioner submits that the enquiry report therefore, should not be accepted by this Court.

2. The Director of School Education & Literacy, Meghalaya, Shillong on behalf of the State respondents has filed an additional affidavit with regard to the completion of the enquiry and compliance of the Court’s order, and with regard to the direction that he conduct the enquiry, it has been explained in the said affidavit that considering the local scenario, and most importantly, language barriers, to ensure that the enquiry is not hampered due to lack of proper communication, the Officers of the Department in their official capacity, who could speak and communicate with the locals were vested with the task.



3. *With regard to the non-participation of the writ petitioner, it is seen from the same additional affidavit that efforts had been made to serve the notice, which as per letter dated 01-05-2024 (Annexure-4), was refused by the writ petitioner. Though the veracity of this letter is questionable, however 2 letters of the writ petitioner both dated 01-05-2024, indicate that he was well aware on 01-05-2024 itself, that the enquiry was to be conducted on 02-05-2024, but however, he did not attend the same. Instead he had raised an objection with regard as to who was to conduct the enquiry, and by another letter of the same date, had raised another objection against the Sub-Divisional School Education Officer conducting the enquiry, which is annexed at Annexure-6 to the additional affidavit.*

4. *From the facts as placed above, it is clear that the writ petitioner was well aware about the proposed enquiry and had chosen to stay away by objecting to its conduct, and also on the ground that he was not properly served. It was open to the writ petitioner at that point of time to appear before the enquiry, and to voice his objections, inasmuch as, it can be seen from the enquiry report itself that the same was conducted by one Shri. R.R.Lamare and one Shri. P.Sunn, who are both Sub-Inspector of Schools who had furnished the report.*

5. *A perusal of the report also shows that statements had been filed and recorded by the persons who had participated in the enquiry, on which basis the enquiry report had been generated.*

6. *This Court, on examination of the same does not deem it fit to order for a de novo enquiry on the grounds as put up by the writ petitioner. However, in the interest of justice and fair play, the writ petitioner is permitted on the terms of reference of the Enquiry as given hereunder, to submit his written statements which will be considered by the Enquiry Committee and be incorporated in the report. The same are as follows:*

- i) *To know how the school was established initially.*
- ii) *To learn about the sponsoring body of the schools.*
- iii) *To know the number and names of teachers taught in the school.*
- iv) *To know the names and numbers of teachers who are still teaching in the school.*
- v) *To gather information upon the management of the school.*
- vi) *To find out as to whether the handing over of the school from the village authority to the private party had taken place or not.*



- vii) *To know the recruitment of teachers.*
- viii) *To find out how the Grant-in-aid/fund were being utilized by the respective outgoing Managing Committees.*

7. *The said written statement along with documents, if any, shall be submitted by the writ petitioner within a period of 3 weeks from today before the office of the Sub-Divisional School Education Officer, who shall then take the same into consideration while preparing the final Enquiry Report, along with all the other statements and documents previously submitted by the other participants.*

8. *The fresh Enquiry Report is to be submitted before this Court 4 weeks thereafter.*

9. *List this matter on 01-08-2024.*

*Sd/-
Judge”*

7. Thereafter, the final inquiry report was submitted and the same was opened on 06-09-2024, in the presence of the counsels for the parties. On the request by the learned Sr. counsel for the writ petitioner, copy of the same was also made available to the parties. At this juncture, before discussing the findings arrived at in the inquiry, the submissions advanced by the parties are briefly summarised as follows.

- (i) From the side of the writ petitioner, it has been argued by learned Sr. counsel, Mr. H.L.Shangreiso, that the impugned approval order dated 09-03-2021, which has been assailed in WP(C). No. 172 of 2021, is illegal, inasmuch as, there is no material to show that the reconstituted Managing Committee was selected by the stake holders i.e. parents, guardians of the



students etc. whereas, the Managing Committee constituted by the writ petitioner was with the concurrence of the stake holders.

- (ii) It is contended by the learned Sr. counsel, that the issues involved in the case pertain to disputed questions of facts which can be addressed only by the Civil Court, especially the factum as to whether the said school was a community school but subsequently converted to a private school by the writ petitioner.
- (iii) With regard to WP(C). No. 497 of 2021, it is submitted that order dated 10-12-2021, was in violation of section 24 of the Meghalaya School Education Act and no show cause notice for taking over the management of the school was ever issued to the writ petitioner under section 20 of the aforesaid Act. It is also submitted that this Court cannot enter into the arena of civil disputed questions of fact as to whether handing over of the school by the village vide letter dated 18-03-1991 was absolute or not. It is contended that sufficient materials have been shown by the petitioner to show that the writ petitioner with the Managing Committee have been managing the school since the same have been handed over. The



respondents No. 1-5 it is submitted have no locus to question the legality of the handing over of the school to the writ petitioner, and at best the village Dorbar can approach the Civil Courts if they seek to reclaim ownership of the school.

- (iv) The learned Sr. counsel submits that the final inquiry report dated 29-07-2024, submitted by the two-man inquiry committee suffers from lack of jurisdiction as one of the members i.e., Shri. P.Sunn, Sub-Inspector of Schools has been arrayed as a party respondent in the official capacity and as such, can be said to be an interested person. It is reiterated by the learned Sr. counsel that this Court cannot enter into the disputes between the parties with regard to the legality of handing over of the two schools and ownership thereof to the writ petitioner by the village Dorbar and the inquiry report therefore, is not to be taken into consideration by this Court.

8. The submissions in brief by the State respondents are that the order dissolving the School Managing Committee of the petitioners was issued in pursuance to a spot inspection which had been conducted on 13-08-2021 and the impugned order dated 10-12-2021, taking over the administration of the school by constituting an interim School Managing Committee considering the interest and affairs of the students only. The spot inspection



was conducted in view of the complaints made by the Dorbar of Mawrapad village. The school it is submitted, as revealed in the spot inspection was mismanaged with low enrolment of students, high dropout rate, irregularities in the implementation of the midday meal scheme, grant in aid and other schemes meant for students and maintenance of the school, improper appointment of teachers and also the members of the Managing Committee. It is also submitted that though prior information had been given, the petitioners did not cooperate and refused to show the necessary records and registers.

9. Under orders of this Court dated 06-03-2024, it is submitted the inquiry was conducted and a general notice dated 22-04-2024 was also issued informing all the stake holders of the school including the petitioner with regard to the conduct of the inquiry on 02-05-2024. Information was also dispersed, it is submitted, through school whatsapp group and through phone calls to contact the petitioner who however, did not cooperate. Though assistance of the headman was taken, the petitioner refused to accept notice and did not participate in the inquiry but, however, submitted a complaint letter on 02-05-2024 and 03-05-2024, alleging that he was not informed about the inquiry. Thereafter, as allowed by this Court, the petitioner had submitted written statements on 22-07-2024 and the same was incorporated and submitted together with the final inquiry report.



10. It is submitted that though both the writ petitions relate to and are concerned with the constitution of the interim School Managing Committee of Mawrapad Lower and Upper Primary Schools, the petitioner Shri. Strickly Syiemlieh, has not provided any materials to show that the impugned orders were irregular or improper in any manner, but has instead diverted the entire matter to the issue of ownership and establishment of the school and the contributions made by the writ petitioner which is not the subject matter of the writ petitions. It is lastly submitted that the respondents be allowed to constitute new Managing Committees for the schools with the participation of only eligible and genuine members and that the documents enclosed in the affidavit and additional affidavits-in-opposition, as well as the inquiry report be taken into consideration while passing final orders in this matter.

11. The stand of the private respondents No. 6 & 7 i.e. the Mawrapad Dorbar as submitted by its counsel Shri. B. Khyriem, is that the writ petitioner has illegally converted the said school into private school and that the resolution dated 15-03-1980 produced by the writ petitioner, with regard to the handing over of the school to the petitioner is fabricated and manufactured as some of the signatories in the resolution were still minors on 15-03-1980. It is further submitted that the erstwhile Managing



Committee which was approved on 30-08-2017, was illegally constituted as all the members of the said Committee are family members of the writ petitioner. It is also submitted that the reconstitution of the Managing Committee which has been impugned by the writ petitioner in WP(C). No. 172 of 2021, was with the participation of all the stake holders which included the members of the Executive Dorbar Mawrapad village, the parents of the students studying in the school, and representatives from the office of the Sub-Divisional School Education Officer, which was duly approved by the competent authority since 15-12-2020. It is then contended, that the writ petitioner has also resorted to illegal actions by withdrawing an amount of ₹ 35,000/- from the account of the school even when the Managing Committee under his Secretaryship had already expired, by misinterpreting the orders passed by this Court dated 13-09-2021 which had directed for status quo to be maintained.

12. In this backdrop of circumstances, this Court vide the order dated 29-05-2024, to get clarity and also attempt to bring closure to the entire matter on the same terms of reference of the inquiry, allowed the writ petitioner to take part in the inquiry even though he had earlier refused inspite of service of notice to participate, and further directed that his written statements be taken into due consideration in the second inquiry.



The terms of reference though already quoted earlier, for the sake of convenience are reproduced herein below:

- (i) To know how the school was established initially.
- (ii) To learn about the sponsoring body of the schools.
- (iii) To know the number and names of teachers taught in the school.
- (iv) To know the names and numbers of teachers who are still teaching in the school.
- (v) To gather information upon the management of the school.
- (vi) To find out as to whether the handing over of the school from the village authority to the private party had taken place or not.
- (vii) To know the recruitment of teachers.
- (viii) To find out how the Grant-in-aid/fund where being utilized by the respective outgoing Managing Committees.

13. In the first inquiry dated 02-05-2024, the summary was that the school had been set up in 1976 and obtained its grant-in-aid from the government from 1980 and was run by the Managing Committee under the sponsorship of the village Dorbar. The second inquiry report which is crucial to the issue, as the writ petitioner had also submitted his point of view, however, has made clinching findings which have been arrived at after obtaining recorded testimony from the elderly residents of Mawrapad



village which contradicted the claims made by the writ petitioner. The same are summarised herein below:-

- There was no formal handing over of Mawrapad L.P. and U.P. Schools to Shri. Strickly Syiemlieh and that the schools had been founded and established by the village Dorbar.
- Due to widespread illiteracy, the writ petitioner was entrusted with the management of the schools which he however claimed ownership over based on questionable documents showing such transfer.
- The writ petitioner and one Shri. Hamlanson Syiemiong had taught in the school against two sanctioned posts and writ petitioner had retired on 31-10-2019 and Hamlanson Syiemiong on 30-04-2024.
- No teachers have been appointed in Mawrapad L.P. School against the two vacant posts but three teachers whose salaries are borne by the village Dorbar are working.
- In Mawrapad U.P. School, there are four teachers. One teacher namely Kynsaibor Shangdiar appointed by the writ petitioner at the time of appointment was underage being only 17 years old.



- None of the teachers serving in Mawrapad U.P. School have obtained any approval from the concerned authority for their employment.
- Regarding management of the school, it is recorded that only in 2019 was the village Dorbar aware that the writ petitioner had claimed ownership of Mawrapad L.P. and U.P. Schools.
- In the Managing Committees of Mawrapad L.P. and U.P. Schools, none of the members of the village Dorbar were included, except the relatives of the writ petitioner.
- Financial records including cashbooks and utilization certificates unclear.
- No process or procedure followed for recruitment and appointment of teachers by the Managing Committee nor teachers appointed with prior approval of the concerned authority. Instances of non-payment of salary of teachers namely, one Shri. Levenson Shangdiar and Shri. Sibsankar Bhattacharjee is also noted in the report.
- No statement given by the writ petitioner on the said manner of recruitment.

14. From the findings as recorded, what can be gathered is that it is a fact, that help was sought from the writ petitioner to manage the school as



many villagers during that time were illiterate. However, the handing over of ownership of the schools as claimed by the writ petitioner is not substantiated in view of the doubtful documents discovered in the inquiry, and from the deposition of majority of the members present during the inquiry that these two schools do not belong to any individual or were handed over to the writ petitioner, but that they belong to the community.

15. In view of these facts and circumstances, the action of the State respondents in reconstituting the Managing Committees and disregarding the proposal made by the writ petitioner doesn't seem to be at fault. It is also noted that the term of the Managing Committee in the L.P. School has since expired and an ad-hoc arrangement is operating in the U.P.School. In that view of the matter, in the normal course, nothing would have survived for consideration in these two writ petitions, but however, due to the larger question involved and considering the proper functioning of the schools, in public interest especially for the children of Mawrapad village, this Court had embarked upon the exercise of considering other attendant and relevant factors.

16. With the culmination of the inquiry, coupled with the fact that the writ petitioner has long since retired and also the fact that with the status of the schools in limbo due to the absence of duly constituted Managing Committees, it is directed that the Sub-Divisional School Education



Officer (respondent No. 3) shall undertake the exercise of supervising the reconstitution of the respective Managing Committees for both the L.P. and U.P. Schools by involving all stake holders in the village community within a period of three months from the date of this order. This direction is being given keeping in mind the necessity of having a proper Managing Committee in place, which shall in exercise of its duties and responsibilities, also look into the other aspects which is ailing the schools so that they will serve the children of the village community in a better and more efficient manner.

17. It is also noted herein, that though the reports have recorded that the villagers never handed over the schools to the writ petitioner, and that the documents produced by the writ petitioner were questionable and alleged to be fabricated, this Court will not venture to give any conclusive finding on this aspect, but to reiterate that the schools having been established by the village community, notwithstanding any other factor, the management of the same should vest with the community through duly constituted Managing Committees. The objection as to the Sub-Divisional School Education Officer being part of the inquiry is disregarded, inasmuch as, he is present only in the official capacity and is not a person interested from the village or otherwise.



18. As ordered above, these writ petitions stand closed and disposed of. It is however provided that till such Managing Committees are constituted and duly approved by the competent authority, the management of both the L.P. and U.P. Schools shall be looked after by the Sub-Divisional School Education Officer, Shillong.

19. No order as to costs.

Judge

Meghalaya
12.02.2025
"Samantha PS"