



Serial No.05
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No.36/2025

Date of order: 23.10.2025

Shri Nurul Amin

..... Appellant

Vs.

1. Smti. Nazila Begum

2. 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, Meghalaya (represented by the Secretary School Managing Committee).
..... Respondents

Coram:

Hon'ble Mr. Justice Soumen Sen, Chief Justice

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Appellant : Mr. P.T. Sangma, Adv

For the Respondents : Mr. N.D. Chullai, AAG with
Mr. E.R. Chyne, GA

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

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

JUDGMENT: (per the Hon'ble, the Chief Justice) (Oral)

The appellant is aggrieved by the order dated 24.11.2023 passed by the learned single judge whereby a batch of writ petitions were disposed of with certain directions as stated in paragraph 15 of the impugned judgment.



2. One of the directions pertain to the present appellant who was found not be a teacher occupying a sanctioned post and was alleged to have been terminated from service on 09.02.2021 as per the resolution of the same date. It was further alleged that he had indulged in disruptive activities such as filing of fabricated documents which has dislocated the functioning of the school as recorded in the report. The learned single judge has given liberty to initiate appropriate action as per the relevant rules and in accordance with law both civil and criminal against him both by the Managing Committee as well as by the District School Education Officer, West Garo Hills within a period of 8 weeks from the date of the order. There are directions against other teachers and members of Joint DMC and DMC. However, we are not concerned with those issues as the present appeal is confined to Shri Nurul Amin.

3. The learned counsel for the appellant submits that the findings in the enquiry report are perverse. It is submitted that inspite of verbal request being made before the learned single judge, the report of the enquiry was not furnished to the appellant. In view of non-furnishing of such enquiry report, the appellant/writ petitioner was unable to make proper representation or argue the matter in order to demonstrate that the findings are perverse or contrary to the record.



4. The learned counsel for the State has submitted that since there are no directions from the Hon'ble Court to furnish a copy of the report, such report was not furnished. However, it is argued that the entire fact was known to the appellant and as such no prejudice was caused to him due to non-supply of the enquiry report. In fact, he has also not attended the enquiry proceeding on the date fixed.

5. It appears from the record that Shri Nurul Amin the main contender for the post of Ex-officio-cum-Convener of Khetadowa SSA UP School. In spite of notice, the appellant did not attend the meeting on 07.09.2021 when the statements of Shri D.K. Newar, Shri Amit Ghimiri and Shobuza Begum were recorded. The enquiry report is dated 21.07.2023. The enquiry report has returned a finding against the appellant/writ petitioner (Shri Nurul Amin) based on the record disclosed and statements recorded during the enquiry.

6. The learned single judge accepted the enquiry report since the findings recorded in the enquiry report was found to be done in a fair and transparent manner wherein all the parties concerned were afforded adequate opportunity. In accepting the report, liberty was given to the authorities concerned to initiate appropriate action/proceeding as per relevant rules and in accordance with law both civil and criminal shall



be initiated against the appellant both by the Managing Committee as well as by the District School Education Officer, West Garo Hills within a period of 8 weeks from the date of the order.

7. The present appellant had filed three appeals [WA No.50 of 2023, WA No.51 of 2023 and WA No.52 of 2023] against the impugned order and such appeals were disposed of on 08.05.2024 by giving liberty to the appellant to approach the learned single judge by way of filing review petitions, if so advised having regard to the submissions made on behalf of Shri Nurul Amin that despite verbal request being made on behalf of the appellant by the learned counsel to furnish a copy of the enquiry report since the finding has similar bearing on the issue involved, the same was not provided to Shri Nurul Amin. Review application was, however, dismissed on 25.10.2024 with the observation that no grounds were made out for review.

8. It is trite law that if a report formed the basis of the termination or adverse findings against the appellant/writ petitioner entailing civil and other consequences, an opportunity ought to be given to the appellant/writ petitioner to make appropriate submission on such report. It is not disputed that the said report was not furnished to the appellant/writ petitioner at the time of disposal of the writ petition.



9. In view of paragraph 15(i) of the impugned judgment which after accepting the report has directed proceeding to be initiated as per law against Shri Nurul Amin and it is likely to visit the appellant with civil and criminal consequences, in our view, the appellant is entitled to respond to the said report before any decision could be arrived at against him in the writ proceeding. On the limited issue that the appellant was entitled to an opportunity to file an exception affidavit to the enquiry report and to argue the matter in relation to the findings against him in the said report, we allow the appeal and set aside the impugned judgment only limited to the directions contained in paragraph 15(i). We make it clear that we have not gone into the merits of the enquiry report. The writ petitions [WP (C) No.264 of 2020 and WP (C) No.147 of 2022] are restored and to be heard afresh by the learned single judge confined to the findings against the appellant/writ petitioner.

10. The Registry is directed to supply an authenticated copy of the report dated 21.07.2023 submitted to the Court at the time of disposal of the writ petitions within one week from date to the appellant/writ petitioner. It is open to the appellant/writ petitioner to file an exception



to the said report within a fortnight thereafter upon prior service to the learned counsel for the State.

11. The matter may be mentioned thereafter before the learned single judge for a fresh consideration limited to the finding against the appellant/writ petitioner in the report. However, the present functioning of the Managing Committee shall not be disturbed as it is evident that the tenure of the appellant/writ petitioner had expired in the meantime.

12. In view of the aforesaid directions, the proceedings contemplated in paragraph 15(i) of the impugned order shall remain stayed and shall abide by a fresh decision to be taken in this regard at the time of disposal of the writ petitions. However, in the event no affidavit taking exception to the enquiry report is filed within the time frame stipulated in this order, the impugned order shall revive without any further reference to this Court.

13. The appeal is allowed with the above observations.

(W. Diengdoh)
Judge

(Soumen Sen)
Chief Justice

Meghalaya
23.10.2025
"Lam DR-PS"