



Serial No.20 & 21
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 283 of 2024 with
WP(C). No. 309 of 2024

Date of Decision: 31.10.2025

WP(C). No. 283 of 2024

Shri. Abdus Sattar,
Son of Late Md. Sobed Ali.

...Petitioner

-Versus-

1. State of Meghalaya, represented by the
Commissioner & Secretary,
Education Department,
Government of Meghalaya,
Shillong.
2. The Director of School Education & Literacy,
Shillong, Meghalaya.
3. The Sub-Divisional School Education Officer,
Dadenggre, West Garo Hills,
Meghalaya.
4. Smti. Habibun Nehar, Assistant Teacher of
Nayagaon G/A U.P. School,
Resident of village – Nayagaon.
P.O-Bhaitbari, P.S. Phulbari,
West Garo Hills,
Meghalaya - 794104.

...Respondents



Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. S.K.Hassan, Adv.
Ms. M.Rahman, Adv.

For the Respondent(s) : Mr. N.Syngkon, GA with
Mr. A.M.Pala, GA for R 1-3.
Mr. S.Dey, Adv. with
Mr. S.Deb, Adv. for R 4.

WP(C). No. 309 of 2024

Shri. Sultan Mamud Sarkar,
S/o Shri. Samsul Haque Munshi.

...Petitioner

-Versus-

1. The State of Meghalaya, represented by
The Commissioner & Secretary to the
Govt. of Meghalaya,
Education Department, Shillong.
2. Secretary to the Govt. of Meghalaya,
Education Department, Shillong.
3. The Joint Secretary to the
Govt. of Meghalaya,
Education Department, Shillong.
4. The Director of School Education & Literacy,
Meghalaya, Shillong.
5. The District School Education Officer,
West Garo Hills District, Tura.



6. The Sub-Divisional School Education Officer,
Dadenggre Sub-Division, West Garo Hills,
Meghalaya.
7. The Block Mission Coordinator,
Selsella, West Garo Hills District, Meghalaya.
8. The Cluster Resource Coordinator, Gasbari,
West Garo Hills District, Meghalaya.
9. Smti. Habibun Nehar,
W/o Shri. Nurul Islam,
R/o Nayagaon, PS Phulbari,
PO Bhaitbari, West Garo Hills District,
Meghalaya.
10. Shri. Abdus Sattar,
S/o (L) Sobed Ali,
R/o Nayagaon, PS Phulbari,
Po Bhaitbari, West Garo Hills District,
Meghalaya.

...Respondents

Appearance:

For the Petitioner/Applicant(s) : Mr. M.F.Qureshi, Adv.

For the Respondent(s) : Ms. S.Bhattacharjee, GA with
Mr. A.M.Pala, GA for R 1-8.
Mr. S.Dey, Adv. with
Mr. S.Deb, Adv. for R 9.
Mr. S.K.Hassan, Adv. with
Ms. M.Rahman, Adv. for R 10.

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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 (ORAL)

1. The writ petitioner being aggrieved with the appointment of the respondent No. 4 as In-charge Headmaster of Nayagaon Govt. Aided U.P.School, vide the impugned order dated 04-07-2024, is before this Court praying for appropriate directions on his claim that he is senior to respondent No. 4 and deserve due consideration to the said post even if the same is only as Incharge.

2. Mr. S.K.Hassan, learned counsel for the petitioner has submitted that the writ petitioner and the respondent No. 4, though appointed on different dates, had joined service on the same day on 20-12-1989, and he being the seniormost Assistant Teacher and Founder Teacher of the school, therefore, should have been considered to take over the post of In-charge Headmaster. It is further submitted by the learned counsel that the post is crucial, inasmuch as, the school is running without a regular Headmaster or a Managing Committee. He submits that though representation has been filed, the same has not been answered, and as such, the writ petitioner was compelled to approach this Court by way of the instant writ petition.

3. Mr. N.Syngkon, learned GA appearing the respondents No. 1-3, has submitted that it is the duty of the Managing Committee to prepare the



seniority list of the teachers on the basis of their date of appointment and date of joining in the service. However, due to the absence of a regular Managing Committee and the rivalry between three Assistant Teachers, the matter could not be resolved, or a regular Managing Committee be put in place. It is further submitted that in the attempts that were made to constitute the Managing Committee, no fruitful decision could be arrived at, and further that there is no decision as yet with regard to inter se seniority of the petitioner vis-à-vis the respondent No. 4.

4. Mr. S.Dey, learned counsel for the respondent No. 4, submitted that it is undisputed that the respondent No. 4 is senior to the writ petitioner in view of the fact that the appointment order of the respondent No. 4 was issued on 25-02-1990, whereas the appointment order of the writ petitioner was issued on 28-02-1990, however, they had joined service on the same day, though they both had joined service on the recommendation of the Managing Committee prior to the formal appointment orders. Learned counsel further submits that the seniority, therefore, is not in question, as it is not a case where the appointments and the date of joining is also of the same date, whereby an examination would be required as to who would be senior and lay the best claim to hold the office of In-charge Headmaster. He further submits that a full consideration or resolution of this matter will only be possible if a duly constituted Managing Committee be put in place to address



these issues. He prays that in these circumstances, as the post is only of In-charge Headmaster, he may be allowed to continue until a regular Managing Committee is put in place.

5. At this stage, it is pertinent to note that another petition being WP(C). No. 309 of 2024, has been instituted by one Sultan Mamud Sarkar, impugning the same order, staking his claim to be appointed as In-charge Headmaster in view of his higher qualifications of B.Sc and D.El.Ed. Mr. M.F.Qureshi, learned counsel for the petitioner appearing in WP(C). No. 309 of 2024, submits that as per the directions in the Notification of the state respondents, wherein minimum qualifications of a person for appointment has been laid down, the petitioner has superior qualifications, and as such, he is a natural choice to be the In-charge Headmaster. He further submits that, though now the MTET qualification is compulsory, however, at the time of consideration, it was not mandatory. He therefore, submits that he also be considered to occupy the post of In-charge Headmaster.

6. Ms. S.Bhattacharjee, learned GA appearing for the state respondents No. 1-8, however, in reply to the submissions of Mr. M.F.Qureshi, learned counsel for the petitioner, submits that the writ petitioner i.e. Sultan Mamud Sarkar is the junior most teacher and is serving in a non-sanctioned post, as



such, there is question of him having any vested right to be In-charge Headmaster.

7. Having heard the learned counsel for the parties, it is seen that the entire dispute, primarily, has arisen due to non-constitution of a regular Managing Committee which should have ordinarily resolved these matters in the school itself. This Court, by order dated 03-07-2025, in the course of an earlier hearing, had directed the state respondent to furnish a copy of the last order wherein a regular Managing Committee of Nayagaon Govt. Aided U.P. School had been reconstituted by the state respondents. Mr. N.Syngkon, learned GA, had produced an order dated 09-02-2022, wherein it is shown that the reconstitution of the Managing Committee of the said school was w.e.f. 23-12-2021 to 22-12-2023, as per norms as laid down in the Right to Education Act, 2009. It is thus seen that this school therefore, has been functioning without a regularly constituted Managing Committee or a full time Headmaster since 23-12-2023, and in the result, it is but natural that the interest of the students studying in the said school will suffer.

8. In these circumstances, without further dwelling on the merits or lingering any longer with the matter, it is directed that the state respondents shall take immediate steps to commence the process for reconstitution of a regular Managing Committee of Nayagaon Govt. Aided U.P. School by the



respondent No. 3. The respondent No. 3 therefore, is directed to issue orders for convening of a public meeting of the sponsoring body i.e. the parents and guardians of Nayagaon Govt. Aided U.P. School, to be held at the earliest preferably within 2(two) months from the date of this order, under his strict supervision. On any resolution being arrived there at, the same shall be put for approval before the necessary authorities for consent. Thereafter, on approval, the Managing Committee shall take a call on the seniority of the teachers concerned and take a considered decision in this regard. It is understood, therefore, that in this exercise whatever grievances that the petitioners in both the writ petitions harbour will be adequately addressed. However, it is further provided that till such constitution, the respondent No. 4 shall continue to be the In-charge Headmaster.

9. With the above noted directions, both the instant writ petitions stand closed and disposed of.

Judge