



Serial No. 03
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WA No. 72 of 2024 with
MC(WA) No. 79 of 2024

Date of order: 13.05.2025

Md. Zaheer

...Appellant

- versus -

1. State of Meghalaya represented by its Commissioner Secretary to the Govt. of Meghalaya, Education Department, East Khasi Hills, Meghalaya.
2. The Director of School Education and Literacy, Shillong, Meghalaya.
3. The District School Education Officer, Shillong, East Khasi Hills District, Meghalaya.
4. The Sub-Divisional School Education Officer, Shillong, East Khasi Hills District, Meghalaya.
5. Shri. Dilawar Swer, the Secretary of the Managing Committee of Madrasa Hemayatul Islam, L.P. School, situated at Lumdiengjri, Shillong, East Khasi Hills District, Meghalaya, resident of Lawsohtun Block-II, Shillong, East Khasi Hills District, Meghalaya.

...Respondents

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Appellant : Mr. S. Jindal, Adv.

For the Respondents : Mr. J.N. Rynjah, GA with
Ms. S. Laloo, GA [For R1-4]
Mr. M.F. Qureshi, Adv. with
Mr. L. Koch, Adv. [For R5]

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| 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)

This appeal involves a very short point and can be disposed of immediately.

The dispute is between two office bearers of a government-aided school. One is the President of the Managing Committee, the appellant and the other is the Secretary. The dispute arose from sending of a proposal by the appellant to the government for reconstitution of the Managing Committee of the school. According to the respondent-Secretary, the appellant had no power to do so.

On this short point, a writ was preferred by the Secretary. The learned single judge by the impugned judgment and order allowed the writ petition holding that the appellant had no authority to send the proposal.

Apart from merits, the order is challenged on two grounds.

The first is that the order was passed without giving the appellant an opportunity to file an affidavit. The second is that the order is ex parte without proper opportunity to the appellant’s lawyer to present his case.

We are not going into these grounds concerning natural justice.

We think that the ends of justice would be subserved if the proposal as sent by the appellant is considered by the government. While considering the proposal it will first examine after hearing the



parties whether the proposal has been sent by the right authority. If it finds that the appellant had the authority to send the proposal, it will consider and process the same for which no hearing need be given. If it finds that the appellant did not possess such authority, the government will send the proposal back to the school. Thereafter, a fresh proposal may be sent by the authority having power, if it so deems fit and proper.

The appeal and the connected application [MC(WA) No. 79 of 2024] are accordingly disposed of. The impugned judgment and order is set aside.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice