



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No.281 of 2017

Date or Hearing: 25.08.2026

Date of Decision: 10.09.2026

1. Meghalaya College Teachers Association,
 (A Registered society representing the Teachers serving
 in colleges receiving Grants-in-Aid from the Government
 of Meghalaya) through its AMBERA, Lamavilla,
 Lumdiengri Police Station, Dsitric East Khasi Hills,
 Shillong-793002.
2. Mr. Prashanta Sarkhel Joint Secretary, Meghalaya
 College Teachers Association, Upper New Colony,
 Laitumkhrah, East Khasi Hills District,
 Shillong-793003.

.....Petitioners

-VERSUS-

1. The State of Meghalaya, represented by the
 Secretary to the Government of Meghalaya,
 Education Department, Shillong Meghalaya.
2. The Director of Higher and Technical Education,
 Meghalaya, Shillong, Meghalaya.
3. The Regional Provident Fund Commissioner II,
 Sub Regional Office, North Eastern Region,
 Laitumkhrah Police Point, Shillong-793003.
4. Governing Body of St. Anthony's College,
 represented by its Secretary, St. Anthony's College,
 Bomfyle Road, Shillong-793001.
5. Governing Body of St. Edmund's College,
 represented by its Secretary, St. Edmund's College,
 Laitumkhrah, Shillong-793003.
6. Governing Body of St. Mary's College represented
 by its Secretary, St.Mary's College,
 Laitumkhrah, Shillong-793003.



7. Governing Body of Shillong College,
Represented by its Secretary,
Shillong College, Boyce Road,
Laitumkhrah, Shillong-793003.
8. Governing Body of Shillong Commerce College,
represented by its Secretary, Shillong Commerce
College, Boyce Road, Laitumkhrah,
Shillong-793003.
9. Governing Body of College of Teacher Education
(PGT) Shillong, represented by its secretary,
College of Teacher Education (PGT),
Boyce Road, Laitumkhrah, Shillong-793003.
10. Governing Body of Synod College,
Represented by its Secretary, Synod College,
Jaiaw, Shillong-793002.
11. Governing Body of Seng Khasi College,
Represented by its Secretary, Seng Khasi
College, Jaiaw, Shillong-793002.
12. Governing Body of Sankardev College,
represented by its Secretary, Sankardev
College, Bishnupur, Shillong-793004.
13. Governing Body of Lady Keane College,
represented by its Secretary, Lady Keane
College, Shillong-793001.
14. Governing Body Union Christian College,
represented by its Secretary, Union Christian
College, Barapani, Umiam, Ri-Bhoi District,
Shillong-793122.
15. Governing Body of Ri-Bhoi College,
Represented by its Secretary,
Ri-Bhoi College, Nongpoh, Ri-Bhoi District,
Shillong-793102.
16. Governing Body of Nongstoin College,
Represented by its Secretary, Nongstoin College,
West Khasi Hills District, Nongstoin- 793119.



17. Governing Body of Don Bosco College,
Represented by its Secretary, Don Bosco College,
West Garo Hills District, Tura-794001.

18. Governing Body of Mendipathar College,
Represented by its Secretary, Mendipathar
College, Mendipathar-794112.

.....Respondents

Coram:

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

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. K. Paul, Sr. Adv with
Ms. R. Dutta, Adv
Ms. K. Decruse, Adv

For the Respondent(s) : Mr. A. Kumar, AG with
Mr. A.H. Kharwanlang, Addl. Sr. GA
Ms. S. Laloo, GA
Mr. J.N. Rynjah, GA (R:1-2)
Ms. P. Bhattacharjee, Adv (R:3)
Mr. D.M. Rani, Adv. vice
Mrs. P.D.B. Baruah, Sr. Adv (R:4-5)

JUDGMENT AND ORDER

Per. B. Bhattacharjee, Judge:

1. This writ petition was filed by the petitioners in the year 2017 seeking implementation of the Meghalaya Non-Government School and College Employees Centralised Provident Fund Act, 1969 (in short, the 1969 Act) in respect of teachers of deficit grant-in-aid colleges in the State. A Division Bench of this Court vide Judgment and Order dated 01.11.2018 disposed of the writ petition by issuing certain directions to the respondent authorities. The said Judgment and Order was challenged by the State-respondents in Civil Appeal Nos. 5778-5779 of 2022 before the Hon'ble Supreme Court. By



Order dated 24.08.2022, the Hon'ble Supreme Court partially allowed the appeals and remanded the matter back to this High Court for consideration of the grievance of the petitioners with respect to non-implementation of the Act of 1969. The petitioners were allowed to amend the writ petition and the State-respondents were granted opportunity to file their counter. It was made clear in the order that the remand should be only to consider the implementation of the 1969 Act, and the Provident Fund Scheme framed thereunder, if any, and the High Court on the basis of the pleading (even after the amendment) to consider which part of the 1969 Act/Scheme framed thereunder has not been complied with by the State and/or to what extent the same are not complied with.

2. After the remand, the writ petition was listed before this Court on 10.10.2022 when the petitioners were granted time to file amended writ petition. On 21.10.2022 the amended writ petition came to be filed on behalf of the petitioners. The State-respondents filed their affidavit-in-opposition in response to the amended writ petition. Thereafter, several orders passed by this Court reveal that there were efforts to resolve the dispute between the parties. A Trust was created and a Draft Scheme was prepared by the State and the same was handed over to the petitioners for their response/suggestion. On 02.09.2025, taking notice of the fact that the Board of Trustees for the Centralised Provident Fund Scheme of the State Government had been reconstituted on 21.07.2025 and the new pension scheme covering employees who joined prior to 01.04.2010 was more or less finalised, this Court directed that the said scheme should be presented to the Board which should approve the Pension Scheme together with its Portfolio Manager by 15.11.2025 and notify the same by 20.11.2025.

3. On 15.12.2025, this Court on the basis of the submissions made on behalf of the petitioners and the state respondents, directed the State to complete the finalisation of the Scheme and to notify the Pension Scheme positively within four weeks. Again, by order dated 09.03.2026, it was



directed that the notification should be issued within ten days positively. On 19.03.2026 a notification dated 18.03.2026 was placed before the Court and a submission was made by the learned Advocate General that the same was issued in compliance with the orders of this Court. However, the learned Senior counsel representing the petitioners prayed that he may be allowed to put in objection on the ground that same was not in compliance with the directions of this Court. Thereafter, an objection to the notification dated 18.03.2026 was filed on behalf of the petitioners on 02.04.2026. The state respondents, on being allowed, filed their reply to the objection on 01.06.2026. The matter, thereafter, proceeded for hearing and both the petitioners and the State-respondents filed their respective written notes of argument.

4. Mr. K. Paul, learned Senior counsel appearing for the petitioners, submits that the Meghalaya Non-Government School and College Employees Centralised Provident Fund Scheme, 2026 (in short 2026 Scheme) has not been framed within the statutory frame work of the Act of 1969. He refers to the orders dated 06.09.2023, 05.11.2024, 02.09.2025 and 15.12.2025 of this Court and submits that instead of completing the exercise already undertaken pursuant to the aforesaid orders, the State-respondents reconstituted the Board of Trustees and introduced a completely different Scheme by the Notification dated 18.03.2026. He submits that the 2026 Scheme departs from the 2023 Scheme and the framework which had been under consideration before this Court. According to him, the 2026 Scheme proceeds upon an NPS-based defined contribution structure bringing within its ambit the categories of employees who had been treated separately during the entire course of the proceedings which is impermissible. He submits that the State could not have deviated from the Court-directed process and introduced an entirely different Scheme. He contends that merger of two distinct categories of employees who joined service prior to 01.04.2010 and those joined on or after 01.04.2010 by



adopting an NPS-based defined contribution framework under one common Scheme is totally arbitrary and illegal.

5. The learned Senior counsel further contends that repeated reconstitution of the Board of Trustees during subsistence of the tenure of the first Board was aimed at unsettling the statutory process which was proceeding in the right direction in tune with the Draft Scheme of 2023. He submits that subsequent introduction of 2026 Scheme after appointment of SBI Mutual Fund as Portfolio Manager on the basis of the Draft Scheme of 2023 amounts to a deviation from the Court-directed process and hence, cannot be treated valid in the eye of law. The power to constitute the Board of Trustees u/s 4 of the 1969 Act, he submits, cannot be construed as conferring unfettered jurisdiction upon the State to repeatedly displace a subsisting Board in order to restart the statutory process whenever the State sought to alter the outcome. He submits that the distinction between two sets of employees who joined before 01.04.2010 and on or after 01.04.2010 has remained a consistent feature of the proceeding and was recognised in the orders passed by this Court could not have been overlooked by the State while formulating the 2026 Scheme. The Draft Scheme of 2023 having been developed pursuant to the Court-supervised process, he submits, could not have been replaced to render the earlier orders of the Court ineffective and nugatory.

6. The learned Senior counsel next contends that the 2026 Scheme introduces a fundamentally different mechanism for accumulation, investment and ultimate disbursement of retirement benefits in utter disregard to the provision of the 1969 Act which provides for a Centralised Provident Fund for employees and contemplates the administration of such fund through the Board of Trustees. He submits that the State while exercising delegated power u/s 4 of the 1969 Act, could not have altered the essential character of the statutory framework by introducing NPS architecture in the 2026 Scheme in place of the Centralised Provident Fund mandated by the parent Act.



According to the Senior counsel, the introduction of mechanism with regard to record keeping, fund management and annuity related functioning in the 2026 Scheme is also in contravention of the statutory role of the Board of Trustees and therefore, cannot be said to be in compliance with the provisions of the 1969 Act. He, thus, submits that since the State-respondents have failed to complete the process as per direction of this Court, the 2026 Scheme is liable to be interfered by this Court.

7. Mr. A. Kumar, learned Advocate General appearing for the State-respondents submits that since this matter is taken up on remand by the Hon'ble Supreme Court, the scope of the present proceeding cannot be converted into a fresh or enlarged adjudication. He submits that the scope of the remand as per the order of the Apex Court has been expressly confined to two questions, *viz.* (i) which provision of the 1969 Act or any Scheme framed thereunder has not been complied with by the State and (ii) to what extent such non-compliance subsists and amendment to the pleadings was permitted within the confines of the remand, not for enlarging its scope. He submits that the 1969 Act has been implemented by the State and the Scheme contemplated thereunder has been framed. He submits that the Centralised Provident Fund has been created and operationalised, the Board of Trustees has been duly constituted and reconstituted in response to objections received from stakeholders and Bye-Laws of the Board were approved and registered on 26.04.2025 and hence, the original grievance of the petitioners has ceased to exist. The limited terms of remand by the Hon'ble Supreme Court, he submits, stands answered in view of the constitution of the Board, registration of Bye-Laws, appointment of the Portfolio Manager and issuance of the Notification dated 18.03.2026 of the 2026 Scheme by the State. He submits that the jurisdiction of a court on remand is co-extensive with and circumscribed by the terms of remand and that the court cannot travel beyond the mandate expressly conferred upon it and supports his submission by



placing reliance on the decision of *Shivshankara v. H.P.Vedavyasa Char*, 2023 13 SCC 1.

8. The learned AG further submits that the Draft Scheme of 2023 has no statutory status or binding force as it was never notified under the 1969 Act and the petitioners, as such, cannot claim any vested or accrued right by virtue of the Draft Scheme. He submits that the Objection Affidavit dated 02.04.2026 does not contend that any part of the 1969 Act remains unimplemented, nor identify any surviving issue arising within the scope of the remand. He submits that nothing has been pointed out by the petitioners to project any conflict between the 1969 Act and the 2026 Scheme. The Draft Scheme of 2023, he argues, cannot constitute the benchmark for testing the validity of the 2026 Scheme. The learned AG contends that the petitioners are trying to enforce something which is not provided in the Act of 1969 and by placing reliance on the judgment of *B. Premanand v. Mohan Koikal*, (2011) 4 SCC 266, submits that a requirement conspicuously absent from the statutory text cannot be judicially introduced. He submits that the objection of the petitioners to the composition of the Board, investment framework and other issues are not supported by law and requires no consideration by this Court. The learned AG also rebuts the claim of the petitioners with regard to the Court-directed proceedings and submits that at no stage any direction was issued requiring the State to secure the petitioners consent as a precondition for finalising the Scheme.

9. The learned AG argues that if the petitioners seek to challenge the 2026 Scheme, the same must be done by instituting appropriate proceeding. According to him, a mere disagreement with the mechanism adapted in the Scheme does not constitute non-implementation of the provisions of the parent Act. He, therefore, submits that challenge to the 2026 Scheme cannot be made by filing Objection Affidavit, nor the scope of the remand can stand expanded by such affidavit. He refers to the decisions of *Ajay Kumar Jain v. State of U.P.* 2024 SCC OnLine SC 3677, *Mandar Deshpande, in re*, 2020



SCC OnLine SC 758 and Sachin Kashyap v. Sushil Chandra Srivastava, (2021) 19 SCC 758 and contends that a miscellaneous application founded upon a fresh cause of action having only remote connection with the main proceeding is not maintainable. Further, the writ petition having been filed for a particular cause with a particular prayer cannot be expanded to cover within its ambit all the issues which may be of general or public importance. He, thus, submits that no surviving issue remains for adjudication in the present proceeding and prays that the writ petition may accordingly be disposed of.

10. Ms. P. Bhattacharjee, learned counsel appearing for the respondent No.3 has not made any submission as no relief has been claimed against the said respondent. Similarly, no submission has been made by Mr. D.M. Rani, learned counsel appearing vice Mrs. P.D.B. Baruah, learned Senior counsel appearing for the respondent Nos. 4 & 5.

11. Heard the arguments advanced on behalf of the rival parties and also perused the materials on record.

12. The reconsideration of the present writ petition by this Court has been necessitated by the direction contained in the Order dated 24.08.2022 passed in Civil Appeal Nos.5778-5779 of 2022 by which the Apex Court was pleased to interfere with the earlier Judgment and Order dated 01.11.2018 of this Court and the matter was remanded back for consideration of the issues indicated in the order. The relevant paragraph of the Order dated 24.08.2022 reads as under: -

“12. The matters are remanded to the High Court to consider the grievance on behalf of the original writ petitioners with respect to non-implementation of the Meghalaya Act, 1969 and the Provident Fund Scheme under the aforesaid Act, if any. To that extent, it will be open for the original writ petitioners to amend the writ petitions to which it will be open for the State to file the counter. However, it is specifically made clear that the remand shall be only to consider the implementation of the Meghalaya Act, 1969 and the Provident Fund Scheme framed thereunder, if any, only and the High Court on the basis of the pleadings (even after the amendment) to consider which



part of the Act 1969/scheme framed under the Meghalaya Act, 1969 has not been complied with by the State and/or to what extent the same are not complied with. Only for the aforesaid purpose, the matters are remanded to the High Court. The High Court to finally decide and dispose of the writ petitions, on reman, within a period of six months from the date of receipt of the present order.”

13. Read in the above light, it is clear that the scope of the remand was confined to the grievance of the petitioners with respect to non-implementation of the 1969 Act and the Provident Fund Scheme under the Act. To that extent, the petitioners were allowed to amend the writ petition with liberty to the State to file counter. It was specifically made clear that the remand shall only be for the purpose of consideration of the implementation of the 1969 Act and the Provident Fund Scheme, if any, framed thereunder. Further, the High Court was asked to consider on the basis of the pleadings (even after the amendment) which part of the 1969 Act/Scheme framed under the Act has not been complied with by the State and the extent of non-compliance thereof.

14. In order to ascertain whether the 1969 Act was implemented or not and whether the 2026 Scheme was framed under the Act, it would be appropriate to look into the provision of Section 4 of the 1969 Act which is reproduced below: -

“4. (1) The State Government may, by notification in the Official Gazette, frame a scheme to be called “The Meghalaya Non-Government School and College Employees Centralised Provident Fund Scheme” to be administered by a “Board of Trustees” to be constituted by the Government under the Scheme.

(2) A Scheme framed under the provisions of sub-section (1) may provide for all or any of the matters specified in the Schedule.”

15. Section 4 (1) of the 1969 Act empowers the State Government to frame a Scheme to be administered by a Board of Trustees constituted by the Government under the Scheme. The provision does not stipulate any mode or manner in which the Scheme has to be framed. Section 4 (2) read with the



schedule to the 1969 Act empowers the State Government to determine the modalities and the matters pertaining to the Scheme. The objection dated 02.04.2026 filed by the petitioners in the present case does not contend that the 2026 Scheme has not been framed in exercise of the powers conferred under the 1969 Act, nor there is any averment that the Scheme does not operate within the contours of the Act. The nature of objection raised by the petitioners with regard to the architecture, investment and operational mechanism and other designed features of the 2026 Scheme does not establish non-implementation of the 1969 Act and hence, travels beyond the scope of the remand in terms of the Order dated 24.08.2022 of the Hon'ble Supreme Court.

16. In the case of *Shivshankara (supra)*, at paragraph 13 the Apex Court observed: -

“13. Before proceeding with the matter further, we think it appropriate to consider the impact of such an order of remand as it would certainly deconvolute consideration of this appeal. There can be no doubt with respect to the settled position that the court to which the case is remanded has to comply with the order of remand and acting contrary to the order of remand is contrary to law. In other words, an order of remand has to be followed in its true spirit...”

From the above, it is obvious that normally a Court should not travel beyond the specific terms and direction of a remand order issued by a superior Court. Falling outside the defined scope of remand is ordinarily not permissible except when there is a statutory compulsion or no decision can be rendered by remaining within the confines of the scope of remand.

17. With regard to the contention of the petitioners that the State has deviated from the Court-directed process and introduced an entirely different Scheme, we have perused the relevant orders of this Court including the orders dated 06.09.2023, 05.11.2024, 02.09.2025 and 15.12.2025 referred by the learned Senior counsel for the petitioners. We do not find any order or



direction of this Court regarding adaptation of any particular modality or mechanism in respect of framing of the Provident Fund Scheme by the State Government. The orders indicated above were passed from time to time on the basis of the submissions made by the parties for ensuring progress towards framing of an appropriate Scheme in accordance with law.

18. For the reasons stated above, we are not inclined to entertain the objection filed by the petitioners. The issuance of notification dated 18.03.2026 notifying the 2026 Scheme under the 1969 Act projects substantial compliance of the terms of remand of the matter by the Apex Court. Hence, there remains no further issue to be adjudicated in the present writ petition.

19. We make it clear that we have not gone into the merits of the objection raised on behalf of the petitioners with regard to the architecture, investment and operational mechanism and other designed features of the 2026 Scheme. The petitioners shall have the liberty to challenge the Scheme by instituting appropriate proceeding, if so advised.

20. With the above, the writ petition stands disposed of.

(B. Bhattacharjee)
JUDGE

(H.S.Thangkhiew)
JUDGE

Meghalaya
10.09.2026
"Shrity,PS"