Serial No. 02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC (WPC) No. 281 of 2019 in
WP(C) No. 469 of 2018

Date of Order: 11.12.2020

Shri Abdul Bashid Sarkar **Vs.** State of Meghalaya & Ors.

Coram:

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

Appearance:

For the Petitioner(s)/Applicant(s) : Mr. S.A. Sheikh, Adv.

For the Respondent(s) : Mr. H. Abraham, GA (For R 1-3)
Mr. H.L. Shangreiso, Adv. (R 4-6)
Mr. P.T. Sangma, Adv. (For R 7)

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

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

1. This is an application on behalf of the petitioner/applicant for impleadment of Shri Islam Hoque Choudhury and Shri Bhupendra G. Momin as private respondent No. 6 and 7 in the main Writ Petition No. 469 of 2018.

2. Mr. S.A. Sheikh, learned counsel for the petitioner/applicant submits that impleadment of the respondents above noted is necessary for proper adjudication at this stage, inasmuch as, in the affidavit filed by the respondents No. 4 & 5, some documents which have been annexed are questionable. He further submits that

impleadment of one Shri Bhupendra G. Momin, a retired District School Education Officer is also necessary in this regard.

3. Mr. H.L. Shangreiso, learned counsel for the respondents No. 4 to 6 submits that impleadment by name is not warranted or called for, inasmuch as, Shri Islam Hoque Choudhury who is the Principal-Cum Secretary is already a party respondent in the main writ petition. He further submits that the petitioner/applicant has just made vague allegations without specifying as to what document is in question and prays that the impleadment petition be dismissed.

4. Mr. P.T. Sangma, learned counsel appearing on behalf of the respondent No. 7 (Shri Bhupendra G. Momin) also resisted the application for impleadment by submitting that the said person has already retired since 30.11.2018, and whatever acts done by him must have been in his official capacity.

5. Having heard learned counsels for the parties and on examination of the application as placed, it is noted that, firstly, Shri Islam Hoque Choudhury is already a party respondent in the main writ petition and has been arrayed as respondent No. 4 & 5. Secondly, the prayer of the petitioner/applicant for his impleadment is only on the allegation that there are some questionable documents annexed in the affidavit, without specifying the same. Though the Court for proper adjudication can implead parties at any stage, the ground for impleadment sought herein is vague as it has not been specified as to what documents are allegedly fabricated. As far as impleadment of Shri

Islam Hoque Choudhury by name is concerned, it appears to be not a necessity.

6. As with regard to Shri Bhupendra G. Momin, who has since retired, whatever orders or actions that he may have been done would have been in his official capacity and as such, it appears it is not necessary to implead him personally.

7. For the forgoing reasons, the application stands rejected and disposed of accordingly.

JUDGE

Meghalaya
11.12.2020
"V. Lyndem-PS"