Serial No.01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

MC (WA) No.50/2024

Date of Order: 06.11.2024

Aynul Hoque ..... Applicant

Vs.

1. The State of Meghalaya, represented by the Chief Secretary, Government of Meghalaya.
2. The Commissioner & Secretary, Education Department, Government of Meghalaya.
3. The Director of School Education & Literacy, Shillong.
4. The Director of Elementary & Mass Education, Shillong.

..... Respondents

Coram:

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

Appearance:

For the Applicant : Mr. S.K. Hassan, Adv with
Ms. M. Rahman, Adv

For the Respondents : Mr. A. Kumar, Advocate General with
Mr. N. Syngkon, GA
Ms. A. Thungwa, GA

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

First of all there is a long delay of about seven years in preferring this application. Secondly, the special committee appointed by this Court to enquire into the tainted appointment of school teachers had the jurisdiction to make an enquiry with regard to the recruitment

process for appointment of regular teachers, initiated by the government in 2008. It had no power or jurisdiction to make an enquiry into the legality of appointment of contractual teachers of whom the applicant is one.

The enquiry is long over. It may be mentioned now that according to the order passed by this Court appointing the special committee, if the committee found an appointee to be unblemished or untainted, he could be appointed regularly. The posts of school teacher, as submitted by the learned Advocate General which became vacant after cancellation of the irregular appointment process, have been filled up. Hence, there is no post of school teachers now to be filled up.

However, since the appointment of both contractual and regular teachers were questioned and declared to be tainted, for any future appointment, the applicant has some right to claim to seek a declaration that his appointment as a contractual teacher was regularly made.

In that view of the matter, we do not allow the prayers made in this application but we direct that the special committee constituted by this Court will look into the appointment of the applicant and make a decision within two months of communication of this order as to the

legality of his appointment as a contractual teacher in 2011. The applicant shall be free to take part in any future recruitment process if found eligible and be considered accordingly. This application is disposed of.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

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LAMPHRANG KHARCHANDY
Date: 2024.11.06 18:57:47 IST