

HIGH COURT OF MEGHALAYA

WP(C) No. 361 of 2013

Smti Bijoyabala Hajong
D/o Rajkumar Hajong
R/o Kharigaon, P.O. Subribari
West Garo Hills District
Meghalaya, PIN-794104

.... **Petitioner**

- **Vrs** -

1. The State of Meghalaya
Represented by the Commissioner & Secretary
Education Department, Govt. of Meghalaya,
Shillong.
2. The District Mission Coordinator,
West Garo Hills, Tura
3. The Joint District Mission Coordinator,
Sarva Shiksha Abhiyaan,
Dadenggiri, West Garo Hills,
Meghalaya.
4. The Deputy Commissioner,
West Garo Hills District, Tura
5. The Deputy Inspector of Schools,
Dadenggri, Sub-Division,
West Garo Hills.
6. The Chairman,
Sarva Shiksha Abhiyan and
Deputy Commissioner,
West Garo Hills, Tura.
7. Shri. Subin Hajong,
S/o Jose Hajong,
R/o Kharigaon,
P.O. Subribari,
West Garo Hills District,
Meghalaya, Pin-794104.

..... **Respondents**

BEFORE THE HON'BLE MR JUSTICE SR SEN

Advocate for the Petitioner	:	Mrs. S Bhattacharjee
Advocates for the Respondents	:	Mr. BK Deb Roy Mr. RB Pradhan Mr. S Sen Gupta
Date of Hearing	:	02.12.2014.
Date of Judgment	:	02.12.2014.

JUDGMENT & ORDER (Oral)

The brief facts of the petitioner's case in nut shell are that, "the petitioner joined Kharigaon Upgraded UP School as Assistant Teacher on 12.01.2009. Thereafter, she had been sent for teacher induction training by the Block Mission Coordinator and her educational qualification is 10+2. The respondent No. 7, the then Headmaster of the aforesaid school has misappropriated the funds meant for the salaries of the staff and teachers including the petitioner. Being aggrieved by the action of the respondent No. 7, the petitioner lodged a complaint to the respondent No. 5, the Deputy Inspector of Schools, West Garo Hills to take necessary action for disbursement of salaries and several correspondences were made but till date the salary of the petitioner was not released. As such, the petitioner made a prayer before this Hon'ble Court under Article-226 of the Constitution of India for a direction."

2. Mrs S Bhattacharjee, learned counsel appeared for on behalf of the petitioner submits that, the respondent No. 7 being the Secretary of the School has manipulated many documents, misappropriated the School's funds and in the process paid only ½ (half) salary to the petitioner w.e.f. January, 2012 till date. The learned counsel further contended that, the Secretary never allow the petitioner to enter the School to join her regular duties. In this regard, an inquiry was also conducted by the Magistrate First Class, Dadenggre, West Garo Hills, Tura and further prayed that necessary order may be passed to release the arrear and salary of the petitioner and also to allow her to join normal duties in the school.

3. On the other hand, Mr. BK Deb Roy, the learned counsel for respondent submits that, there was no misappropriation of

funds on the part of the respondent No. 7 nor he has manipulated any document.

4. Mr. S Sen Gupta, learned State counsel submits that, as per the Inquiry Report dated 17.08.2012 conducted by the Magistrate First Class, Dadenggre, West Garo Hills, Tura wherein it has been clearly stated that the respondent No. 7 has illegally appointed 3(three) teachers and also misbehaved towards the petitioner.

5. The conclusion part of the said Inquiry Report is reproduced herein below :

“In the light of the above, it is evident that Shri. Subir Hajong has no business in the school. His monetary strength and brute force of the sheer masculine number has allowed him to waiver the conventions. He is hell bent in viciously thrashing Smti. Bijaya Bala Hajong into oblivion. The unauthorized appointments, overbearing demeanor and glaring misappropriation of the school’s money shows his willingness to go to any extent to further his cause.”

6. After hearing the rival submissions advanced by the learned counsel for the parties and after going through the Inquiry Report especially the conclusion part referred to above, I hereby direct the respondent No. 2 to take all necessary steps to allow the petitioner to join her duty immediately and also to release her arrear and salary, if any. Respondent No. 2 is also directed to take necessary steps against the respondent No. 7 after proper inquiry as per rule and to ensure personally that the school and its administration are running smoothly for the benefit of the school going children.

7. Further, it is also directed that this Judgment & Order to be complied with within a period of 2(two) months from the date of receive of certified copy.

8. With these observations and directions, this instant petition is allowed and the matter stands disposed of.

9. No order as to cost.

JUDGE

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