

THE HIGH COURT OF MEGHALAYA AT SHILLONG.

WP(C) No. 236 of 2014

Shri Belljiur BK Marak and 345 others

..... **Petitioners**

-Versus-

1. The State of Meghalaya, represented
By the Commissioner and Secretary,
Education Department, Shillong.
2. The Director of Elementary and
Mass Education, Shillong.
3. The Deputy Inspector of Schools,
Ampati Sub-Division, Ampati West,
Garo Hills District, Meghalaya
4. The Deputy Inspector of Schools,
Resubelpara, East Garo Hills District,
Meghalaya.
5. The Deputy Inspector of Schools,
Dadenggre Sub-Division, Dadenggre,
West Garo Hills District.
6. The Deputy Inspector of Schools,
Tura, West Garo Hills District,
Meghalaya.
7. The Deputy Inspector of Schools,
Baghmara Sub-Division Baghmara,
South Garo Hills District, Meghalaya.
8. The Deputy Inspector of Schools,
Williamnagar Sub-Division, Williamnagar,
East Garo Hills District, Meghalaya.

..... **Respondents**

BEFORE THE HON'BLE MR JUSTICE SR SEN

For the Petitioner : Mr. R. Kar, Adv.

For the Respondent s : Mr. S. Sen Gupta, GA

Date of hearing : **31.07.2015**

Date of Judgment & Order : **31.07.2015**

JUDGMENT AND ORDER (ORAL)

The petitioner's case in a nutshell is that:

"The Petitioners numbering about 346 are the Lower Primary School Teachers serving in the Garo Hills District. They were all appointed either by the administrators or Deputy Inspectors of Schools after due interview and advertisement in the year 1995 and subsequent date.

Following the taking over of Primary Education by Government of Meghalaya vide Act No.6 of 1994, all teachers appointed in the Lower Primary Schools in the District of Garo Hills became the Government teachers, thus coming under the purview of pensionary benefits etc.

The case of the Petitioners is that though all of them are legally entitled to enjoy the benefits of pension, they were deprived of the same because of some arbitrary and discriminatory attitude of the State Respondent thereby placing equally placed persons unequally in violation of Article 14 of the Constitution of India. These anomalies though brought to the notice Hon'ble High Court earlier under Article 226 of the Constitution of India and which grievances of the petitioners were redressed by various order like considering the case of the petitioners in the light of the given facts and circumstances, the respondent State in an arbitrary manner circumvented the order of the High Court by conferring the pensionary benefits on certain teachers in exclusion of the petitioners. The case of the petitioners is that they being similarly situated they deserve to be treated as Government Teachers and the denial of the same has caused prejudice to them. Hence this instant petition".

2. Heard Mr. R. Kar, learned counsel appearing on behalf of the 346 petitioners who submits that, the primary teachers are also part of the Primary school and they are catering their services for moulding up our children and

indirectly serving the nation. So, we cannot neglect the pre-primary teachers and deprived them from pensionary benefits and other benefits.

In support to his submission, the learned counsel for the petitioner produced the order dated 20.04.2015 passed by this court in WP(C) No. 318 of 2013 and the same is reproduced herein as under:

“20.04.2015

Heard Mr. R. Kar, learned counsel for the petitioner, who submits that, pre-primary teachers are also part of the Primary School and they are catering their service for moulding up our children and indirectly serving the nation. So, we cannot neglect the pre-primary teachers and deprived them from pensionary benefits and other benefits.

On the other hand, Mr. N.D. Chullai, learned Sr. GA appeared for and on behalf of the State along with the Director of Social Education and Literacy, Mr. A. Ch. Marak. Mr. N.D. Chullai, learned Sr. GA appearing for the State submits that a committee has been constituted examining the pay structure, pension, etc headed by the Director of Social Education and Literacy to look after the grievances of the petitioner and they are in work and the work is in progress.

After hearing the submissions advanced by the learned counsel for the parties at Bar, I am of the view that, teachers are the backbone of the society and pension should be given with better facilities so that they can cater better service to the students which will definitely help to build a strong nation.

The committee is also asked to look into the matter seriously and taking into consideration the practical aspect such as, role of a teacher in the society. However, in future, if the petitioner is in aggrieved by the decision of the Government and if law permits, she may approach the court again.

Before I part with the case record, I also direct the committee to expedite the matter and to dispose of within 3(three) months from today.

The Registry is directed to furnish a copy of this order to Mr. N.D. Chullai, learned Sr. GA for the State.

With this observation and direction, the instant petition is disposed of”.

A similar judgment and order dated 03.07.2014 was also passed in WP(C) No. 301 of 2013 which involves the same issue as in WP(C) No. 318 of 2013. The same is reproduced herein as under:

“WP(C) No. 301 of 2013

It is stated that 11 writ petitioners of WP(C)No.301/2013 were appointed by the Deputy Inspector of Schools or Assistant to the Administrator Primary Education, Amlarem Sub Division i.e. West Jaintia Hills District during the period from 25.01.1995 to 28.11.1997 along with other teachers after public advertisement and necessary interviews to fill up the vacancies in various Lower Primary Schools. It is further stated in the writ petition that the petitioners had been appointed as Lower Primary teachers after fulfilling the constitutional scheme for appointment of regular teachers and they have been appointed as Govt. Lower Primary teachers. For easy reference, the compilation sheet containing the dates of appointments of the writ petitioners and the names of schools is quoted hereunder:-

“LIST OF PRIMARY TEACHERS (L.P.) APPOINTED BY THE DEPUTY INSPECTOR OF SCHOOLS/AMLAREM.

Sl. No.	Name of Teacher	Date of appointment & Serial No.	Name of School
1.	Shri.Heron Roy Manner	Memo No.APA/E-2/94-95/495-510 dated Amlarem the 25 th January, 1995 at Sl.No.2	Amsohrhong Amlarem Sub-Division
2.	Smt.Deborah Shylla	Memo No.APA/E-2/94-95/495-510 dated Amlarem the 25 th January, 1995 at Sl.No.12	Tarangblang Sohluh Amlarem Sub-Division
3.	Smt. Spero Meliora Manner	Memo No.APA/E-3/94-95/522-28 dated Amlarem the 14 th Feb, 1995 at Sl.No.2	Thangbuli Wah Shnong L.P. School
4.	Shri.Dawankimon Suting	Memo No.APA/E.2/95-96/13 dated 26 th April, 1995	Trangblang Sohluh L.P. School Amlarem Sub-Division
5.	Shri.Bristivar Myrchiang	Memo No.APA/E-2/95-96/28-50 dated Amlarem the 18 th May, 1995	Shnongpdeng Nongtalang L.P. School Amlarem Sub-Division
6.	Shri.Spolin Lyngshiang	Memo No.APA/E-2/95-96/28-50 dated Amlarem the 18 th May, 1995	Mawngap L.P. School Amlarem Sub-Divison
7.	Shri.Komerson Hayong	Memo No.APA/E-2/95-96/28-50 dated Amlarem the 18 th May, 1995	Mawngap L.P. School Amlarem Sub-Divison
8.	Smt.Lyngngai Sngi Mukhim	Memo No.APA/E-2/95-96/28-50 dated Amlarem the 18 th May, 1995	Padu Shnongpdeng Amlarem Sub-Division
9.	Smt.Nebel Mukhim	Memo No.APA/E-2/95-96/28-50 dated Amlarem the 18 th May, 1995	Amtasam L.P. School, Amlarem Sub Division.

10.	<i>Smt.Minivet Buam</i>	<i>Memo No.APA/E-3/95-96/322-23 dated Amlarem the 11th March 1996 at SI.No.1.</i>	<i>Thangbuli Wah L.P. School Amlarem Sub-Division</i>
11.	<i>Smt.Syntu Pohshna</i>	<i>Memo No.APA/E-2/97-98/2535-38 dated Amlarem the 28th Nov 1997</i>	<i>Samanong L.P. School Amlarem Sub-Division"</i>

3. On perusal of the said order dated 20.04.2015 passed in WP(C) No. 318 of 2013 and order dated 03.07.2014 passed in WP(C) No. 301 of 2013 and after hearing the submissions advanced by the learned counsel, I am of the view that, this instant case before me has the same issues involved. Therefore, I feel that; it needs to be sent to the Committee as ordered in the WP(C) No. 318 of 2013. Accordingly, the Committee concerned is directed to look into the matter in the light of the order dated 20.04.2015 passed in WP(C) No. 318 of 2013 and order dated 03.07.2014 passed in WP(C) No. 301 of 2013 and to dispose of the matter within 6(six) months from the date of receipt of the certified copy of this judgment and order.

4. Petitioners are directed to cooperate with the Committee for early settlement of the matter.

5. With these observations and directions the instant writ petition is allowed to that extent and stands disposed of.

JUDGE

D. Nary