

THE HIGH COURT OF MEGHALAYA

WP(C). No. 211 of 2016

Shri. Taseng Sangma,
Son of (L) Jangga M. Marak
Resident of Modinagar,
P.O. Araimile, P.S.Tura,
West Garo Hills District,
Meghalaya

... **Petitioner**

-Versus-

1. State of Meghalaya,
Represented by the
Commissioner/Secretary
Education Department,
Government of Meghalaya.
2. Director of School Education and Literary,
Government of Meghalaya,
Shillong.
3. Deputy Inspector of Schools,
Ampati, South West Garo Hills.
4. Managing Committee,
Okkapara Deficit Upper Primary School,
represented by its
Secretary, Shri, Daniel Ch. Marak.
5. Shri. Jaseng K.Sangma
Headmaster, Okkapara Deficit
Upper Primary School,
South West Garo Hills.

...**Respondents**

BEFORE THE HON'BLE MR JUSTICE S.R.SEN

For the petitioner	:	Mrs. S.G.Momin, Adv.
For the respondent	:	Mr. H.Kharmih, GA.
Date of hearing	:	30.05.2017
Date of Judgment	:	30.05.2017

JUDGMENT AND ORDER (ORAL)

1. Heard Mrs. S.G.Momin, learned counsel for the petitioner as well as Mr. H.Kharmih, learned State counsel for the State respondents.

2. The petitioner's case in a nutshell is that:

“The Petitioner was appointed as the Headmaster of one Okkapara Deficit Upper Primary School in the year 1984 (Annexure- 2) within the District of South West Garo Hills. Since the time of his appointment the petitioner discharged his duties in a most diligent manner and tried to bring strict administrative reforms to the school but the same has invited the wrath of some vested interested persons and as a result the petitioner suffered suspension vide order dated 22nd Oct, 2001 (Annexure-3). The said suspension order required the petitioner to remain under suspension pending departmental proceeding against him. Fifteen years have passed no departmental proceeding was ever drawn against the petitioner nor any kind of enquiry was conducted. The humble petitioner has approached the office of the respondents a number of occasions requesting verbally as well as through number of representations annexed in the writ petition to revoke the suspension order and to re-instate him into the post but till date his efforts went in vain rather in his period of suspension, Respondent No. 5 was appointed and sought to be accommodated in the post in which a vacancy was created during his suspension. Being aggrieved by the said action petitioner approaches this Hon'ble Court through this instant Writ petition.”

3. Learned counsel for the petitioner argued that petitioner was suspended by order dated 22nd Oct, 2001. Learned counsel also contended that the petitioner was simply suspended without any enquiry or show cause. Thereafter, certain correspondences

were made between the Managing Committee and the Government which was not known to the petitioner.

4. On the other hand, learned State counsel for the State respondents fairly agreed and submitted that it is a fact that the petitioner was thrown out of his job without any enquiry or show cause notice, which in my view is highly illegal and I remind that the rule of jungle cannot be allowed to continue. Anything to be done should be done in accordance with law otherwise it should not be done at all.

5. I would like to put a question to the Managing Committee and the Government as to why and on what basis the petitioner was suspended which was not known even to the government counsel, except for the order dated 22nd Oct, 2001 at annexure-3 which speaks that he had misappropriated School fund and due to gross negligence of duties. Now the question comes as to how the authority i.e. The Deputy Inspector of Schools, Ampati, West Garo Hills (now South West Garo Hills) came to the conclusion that the petitioner had misappropriated School fund and is liable for gross negligence of duties without enquiry and without any evidence. Therefore, the impugned order dated 22nd Oct, 2001 is just nothing but a mechanical order and this kind of order has no value in the eye of law and is totally against the principle of natural justice, and this cannot continue. Both the Deputy Inspector of School, Ampati, South West Garo Hills and the Managing Committee is hereby warned that they should do their duties only in accordance with law and not for their personal benefit.

6. Since the impugned order is not as per law, the impugned order dated 22nd Oct, 2001 is hereby set aside. Respondent is directed to re-instate the petitioner immediately and to give his salary and other service benefits from the day he was suspended. For the illegal act of the Managing Committee, I hereby order and fix a cost of Rs. 50,000/- (Rupees Fifty thousand) only which is to be deposited with the registry and registry in-turn shall deposit the said amount in the account of the Director of Social Welfare, Govt. of Meghalaya which shall be use for the benefits of the inmates of the Juvenile Home.

7. I also clearly mention that the cost of Rs. 50,000/- (Rupees Fifty thousand) only shall not be paid from the School fund, the Managing Committee will have to bear this cost from their own pockets.

8. With this observation and direction, this writ petition is allowed and stands disposed of.

JUDGE

S.Rynjah