

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 554 of 2019

Date of order: 14.12.2019

Nurul Amin Vs. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice Mohammad Rafiq, Chief Justice

Appearance:

For the Petitioner/Appellant(s) : Mr. A.S. Siddiqui, Adv.

For the Respondent(s) : Mr. S. Sengupta, Addl.Sr.GA (For R 1-3)
None for R 4

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

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

Oral:-

1. The contention of the learned counsel for the petitioner is that there was a dispute between two groups for control over the Managing Committee of Khetadowa SSA U.P. School, West Garo Hills, Meghalaya. Initially a committee was constituted by vide order dated 01.02.2018 for a period of two years w.e.f. 01.02.2018 to 31.01.2020. On the representation of Shri Nurul Amin, Headmaster of the said school dated 01.11.2019, the Joint District Mission Co-ordinator, SSA, Dadengre, West Garo Hills in partial modification of the order dated 01.02.2018 reconstituted the Managing Committee of the said school for a period of two years w.e.f. 01.02.2018 to 31.01.2020 as per norms laid down in RTE Act 2009 and Meghalaya Right to children to free and compulsory education Rules, 2011 under Section 13. It is contended that the other group led by Shri Soban Ali who controlled over the previous Managing Committee filed WP(C) No. 30 of 2018 before this Court. The said writ petition was disposed of vide order dated 09.12.2019 with the observation that the same has been rendered infructuous due to efflux of time as the term of the said Managing Committee has already expired on 27.11.2019.

2. Due to this confusion, the Administrative & Accounts officers, SSA West Garo Hills, Tura vide order dated 29.11.2019 has written to the

Branch Manager, SBI, New Bhaitbari that since the term of the present School Management Committee of Khetadowa SSA U.P. School has expired on 27.11.2019, the Account No. 34233340155, SBI, New Bhaitbari of the school should be withheld with immediate effect until further order or approval of new School Management Committee whichever is earlier.

3. When this matter was last listed on 11.12.2019, learned Addl.Sr.GA Mr. S. Sengupta sought time to study the matter case file of WP(C) No. 30 of 2018 and also to seek instructions. Learned Addl.Sr.GA though has studied the file but still prays for time to seek instructions.

4. Considering that due to Bank Account of the petitioner being frozen, it may not be able to disburse salary of its staff, this matter is being decided finally.

5. This Court has examined the file of WP(C) No. 30 of 2018 and the order impugned therein. In the light of the two orders for constitution of different Managing Committees, this Court found the disposal of the writ petition filed by the previous Managing Committee, whose term expired on 27.11.2019, has led to all this confusion. The order constituting the earlier committee, makes it evidently clear that committee was constituted for a period of two years w.e.f. 28.11.2017 to 27.11.2019. But the terms of the reconstituted committee was from 01.02.2018 to 31.01.2020. In these circumstances, the writ petition is allowed. The impugned order dated 29.11.2019 (Annexure-3) is set aside. However, it is made clear that this order will entitle the present Managing Committee to operate the Bank Account only upto 31.01.2020.

4. The writ petition is disposed of with the aforesaid observations.

(Mohammad Rafiq)
Chief Justice

Meghalaya
14.12.2019
"Sylvana PS"