

**Serial No.01**  
**Regular List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

WP(C). No. 75 of 2022 with  
WP(C). No. 84 of 2022  
WP(C). No. 151 of 2022

Date of Decision :27.04.2022

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Shri. Golam Hashan	Vs.	State of Meghalaya & Ors.
Smti. Merina Begum & Anr.	Vs.	State of Meghalaya & Ors.
Smti. Arjuma Begum	Vs.	State of Meghalaya & Ors.

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**Coram:**

**Hon'ble Mr. Justice H.S.Thangkhiew, Judge.**

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**Appearance:**

**In WP(C). No. 75 of 2022**

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

For the Respondent(s) : Mr. N.D.Chullai, AAG with  
Mr. A.H.Kharwanlang, GA.

**In WP(C). No. 84 of 2022**

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

For the Respondent(s) : Mr. N.D.Chullai, AAG with  
Mr. A.H.Kharwanlang, GA.

**In WP(C). No. 151 of 2022**

For the Petitioner/Appellant(s) : Mr. K.Paul, Sr. Adv. with  
Mr. S.Thapa, Adv.  
Ms. K.Decruse, Adv.

For the Respondent(s) : Mr. R.Gurung, Addl. Sr. GA.

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| i)  | Whether approved for reporting in Law journals etc: | Yes/No |
| ii) | Whether approved for publication in press:          | Yes/No |
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**JUDGMENT AND ORDER (ORAL)**

1. The subject matter of these three writ petitions is the conduct of election for Haripur VEC. The petitioners in their respective writ petitions are at odds as to whether the election should be held only for one VEC i.e. Haripur VEC or whether the same should be conducted for two VECs i.e Haripur-I and Haripur-II comprised within the parent VEC. This situation and confusion surrounding the same has been further compounded by the conflicting orders which have been passed by the respondent BDO in handling the matter.

2. It is noted that in WP(C). No. 75 of 2022, the writ petitioner therein has impugned an order dated 02-03-2022 whereby the election has been announced which was to be conducted on 09-03-2022 for Haripur VEC. Subsequently, it appears by another order dated 08-03-2022, the said order (02-03-2022) was revoked and it was announced that elections to Haripur-I and Haripur- II were to be conducted within a period of one week.

3. In WP(C). No. 84 of 2022, the said order dated 08-03-2022 announcing the elections to Haripur- I and Haripur-II has been put to challenge and the contention of the petitioners therein is that there cannot be any bifurcation of Haripur VEC without prior approval of the District Programme Coordinator, MGNREGS.

4. In WP(C). No. 151 of 2022, the prayer of the writ petitioner is similar to WP(C). No. 75 of 2022 and directions are prayed therein for early conduct of the elections for Haripur-I and Haripur-II.

5. From the submissions of the learned counsel for the parties and perusal of the materials available before this Court, it appears that the core issue that has given rise to this piquant situation is whether the Haripur VEC constitutes

of Haripur-I and Haripur-II, or whether it continues to function as a single entity i.e Haripur VEC. It is also seen that an order of this Court dated 10-10-2017 passed in WP(C). No. 188 of 2017, had directed the said respondents to approve the bifurcation of Haripur VEC and thereafter to conduct elections for the said VECs. On the basis of this order, the writ petitioners in WP(C). No. 75 of 2022 and WP(C). No. 151 of 2022 seek to make their claim that the bifurcation has been affected and elections should be conducted for the bifurcated VECs.

6. Attention of this Court has also been drawn to letters dated 23-10-2017, 20-11-2020 and 02-03-2022 wherein the matter regarding bifurcation has been examined by the respondents and the reasons have been indicated therein as to the situation that would prevent the recognition of the two VECs. In the said letter dated 23-10-2017, it is indicated that the state government after careful examination had agreed to the bifurcation subject to conditions. This letter which appears to be relevant in this matter is quoted herein below:

***“STATE RURAL EMPLOYMENT SOCIETY  
MEGHALAYA***

***The Nodal Agency for Implementation of MGNREGA***

*No. SRES/MEGH.146/2015-16/Pt. IV/414      Dated Shillong 23<sup>rd</sup> October 2017.*

*From:            Smt.I.R.Sangma, IAS  
                     Mission Director,  
                     State Rural Employment Society, Meghalaya  
                     Shillong.*

*To:                The Deputy Commission & District Programme  
                     Coordinator  
                     West Garo Hills, Tura.*

*Subject:        Matters relating to WP(C). No. 188 of 2017.*

*Reference: LetterNo.WGH/NREGS/AD.291/B.VEC/2017/353  
                     dated 17<sup>th</sup> October 2017.*

Sir,

*In inviting a reference to the above mentioned letter, I am to inform you that as per the Census 2011, Haripur village in Selsella C&RD Block has not been bifurcated into Haripur-I and Haripur-II villages. As a matter of which, the villages cannot be entered as separate VECs in the MIS.*

*However, taking into account the large number of registered households and the amount of problems and issues that transpire in the VEC leading to the filing of writ petitions in the High Court, the State Government after careful examination agreed to the bifurcation subject to following conditions so as to avoid problems that could be anticipated in MIS reporting.*

- 1. For all MGNREGA works, these bifurcated villages can function as separate hamlets within the parent VEC for which the census code is available and the same is also registered under MIS.*
- 2. Job Card Holders will work in the projects identified in their own hamlet.*
- 3. Word Orders and all related documents should also be issued and maintained under the parent VEC for avoiding complications in data entry until the new villages have a census code of its own. For field purposes, each hamlet can also maintain its own registers for records. But the figures should be consolidated in the records of the parent VEC so that cumulative figures are reflected in MIS.*
- 4. While demanding for works, the Secretary/President of the VEC should ensure that equal number of works is demanded for both hamlets to avoid deprivation of benefits for any of the group.*

*Similar exercise for the forty (40) other VECs in Selsella C&RD Block, for which bifurcations are required should be followed. A list indicating the villages having census code and those not having is enclosed herewith. For those having a census code as per census 2011, new VECs can be created and the same should be forwarded to the undersigned for necessary inclusion in the MIS.*

*Yours sincerely,*

*Sd/-*

*Mission Director,  
State Rural Employment Society  
Meghalaya, Shillong."*

7. The subsequent letters speak of the fact that bifurcation of VECs without prior approval and elections held pursuant thereto will not be considered to be valid.

8. In this view of the matter, as there are rival claims with regard to the constitution of Haripur VEC and the election that should be conducted to constitute the same, this Court, in order to prevent further unnecessary litigation and to bring a quietus to the issue, hereby directs as follows:

(i) That for the present, there shall be no elections to the Haripur VEC and the management and affairs of the said VEC shall be done by the Block Development Officer (BDO), MGNREGS, Selsella C&RD Block under the supervision of the Deputy Commissioner who is the District Programme Coordinator for MGNREGS.

(ii) That the concerned respondents shall consider afresh the matter concerning the Haripur VEC as to whether it needs bifurcation or whether it should remain as a single entity as Haripur VEC.

(iii) In the event that a decision is arrived at either ways, the same should obtain prior approval of the concerned respondents and a final order be passed by the Mission Director, State Rural Employment Society (SRES), Meghalaya, Shillong.

(iv) In this exercise, the state respondents shall consider the number of households and other relevant factors that should be taken into consideration.

(v) After final orders have been passed by the state respondents, the elections shall thereafter be announced and conducted.

9. It is expected that the state respondents shall complete this entire exercise within six weeks from the date of receipt of this order.

10. With the above directions, these three writ petitions stand disposed of.

**Judge**

Meghalaya  
27.04.2022  
"Samantha PS"

