

**Serial No.02**  
**Regular List**

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

WP(C). No. 203 of 2021

Date of Order :31.03.2023

Md. Julfikar Ali Bhutto

Vs.

State of Meghalaya & Ors.

**Coram:**

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

**Appearance:**

For the Petitioner/Appellant(s) : Mr. H.Miah, Adv.

For the Respondent(s) : Mr. K.P.Bhattacharjee, GA for R 1.  
Mr. S.Dey, SC GHADC for R 2-5.

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|-----|---|--------|
| i)  | Whether approved for reporting in Law journals etc: | Yes/No |
| ii) | Whether approved for publication in press:          | Yes/No |

**ORAL**

1. Pursuant to order dated 06-12-2022, Mr. S.Dey, learned standing counsel for the Garo Hills Autonomous District Council respondent Nos. 2-5, has produced the enquiry report.

2. A perusal of the same reflects that an enquiry had been conducted with regard to the charges against the Gaonbura, and in the enquiry report itself, the statement of the petitioner was recorded, and duly signed by him.

3. The writ petitioner's pointed contention before this Court is that he was never heard and after he was allowed to file a show-cause, which he replied on 15-07-2021, and that he was suspended as Gaonbura based on the said show-cause reply.

4. Mr. H.Miah, learned counsel for the petitioner, though not disputing that it is the petitioner's signature on the enquiry report which was conducted on 3<sup>rd</sup> February, 2021 by the Revenue Officer, and report submitted on 10<sup>th</sup> February, 2021, however submits that the show-cause called for, was subsequent to the said enquiry, for which he had replied by way of the show-cause reply dated 15-07-2021, after which he was terminated on 16-08-2021 by respondents. Learned counsel then submits that the proceedings which had been adopted in the manner of his termination is irregular and has caused severe injustice.

5. Mr. S.Dey, learned SC for respondent Nos. 2-5 submits that there is no irregularity in the proceedings and, in fact the writ petitioner has been given more than adequate opportunity to answer to the charges. He submits that, apart from the enquiry which was held, where the petitioner took part and his statement recorded, the second show-cause was then examined by the respondents and decision was rendered accordingly. He therefore, submits that the matter calls for no interference and the writ petition being without any merits is liable to be dismissed.

6. I have heard learned counsel for the parties and perused the materials, especially, the enquiry report. It is noted that the writ petitioner's appended signature which is not disputed by the writ petitioner and the fact that his statement had been recorded as to the allegations, therefore, cannot be questioned. The other fact that is seen from the records is that he was allowed to show-cause again to the charges which he replied to, as referred earlier. No irregularities therefore, can be said to have been committed in the proceedings and the ground taken that the petitioner was not heard is not correct. However, for the ends of justice, the writ petitioner will be allowed to one hearing before the respondents on the basis of the second show-cause that he had filed.

7. The matter accordingly stands closed and disposed of with the directions as given above. It is understood that the respondents shall dispose of the matter as expeditiously as possible, preferably within the period of three months from the date a copy of this order is produced before them.

**Judge**

Meghalaya  
31.03.2023  
"Samantha PS"