

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

WP(C). No. 88 of 2022

Date of Decision :30.05.2024

1. Shri. Abdul Hashem Sheikh,  
Aged about 47 years  
Son of Shri. Banu Sk  
(Parent & Donor Member of the School)  
R/o Vill-Magurmari, P.O.Haripur,  
P.S – Phulbari,  
District – West Garo Hills,  
Meghalaya, Pin – 794104.
2. Shri. Abdul Aziz Sk,  
Aged about 49 years  
Son of Late Hazaral Ali  
(Parent in the School)  
R/o Vill-Magurmari, P.O. Haripur,  
P.S. – Phulbari,  
District West Garo Hills,  
Meghalaya, Pin – 794104.

...Petitioners

-Versus-

1. State of Meghalaya represented by the  
Chief Secretary, Shillong.
2. The Director of School Education and  
Literacy, Meghalaya, Shillong.
3. The District School Education Officer,  
West Garo Hills District, Tura.

4. Shri. Abdur Roshid,  
S/o Late Kosim Uddin  
Gaonbura of Magurmari village and  
Member of the existing Managing Committee  
R/o Vill-Magurmari, P.O. Haripur,  
P.S. – Phulbari,  
Dist-West Garo Hills, Meghalaya,  
Pin – 794104.
5. Managing Committee represented by its Secretary,  
Shri. Abdul Mozid Sk  
S/o Late Hazaral Ali  
R/o Vill-Magurmari, P.O. Haripur,  
P.S. – Phulbari,  
Dist-West Garo Hills, Meghalaya,  
Pin – 794104.

...Respondents

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**Coram:**

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

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**Appearance:**

For the Petitioner/Appellant(s) : Mr. T.Dkhar, Adv.

Ms. P.Biswakarma, Adv.

For the Respondent(s) : Mr. K.P.Bhattacharjee, GA for R 1-3.

Mr. S.A.Sheikh, Adv. and

Mr. L.N.Areng, Adv. for R 4 & 5.

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

1. By this writ petition, the approval of the Managing Committee of the Magurmari Government Aided Secondary School, West Garo Hills District for the term 13-11-2021 to 14-11-2024 has been questioned.

2. Mr. T. Dkhar, learned counsel for the petitioner submits that the petitioners are the parents/representatives of the children studying in the School, and that the approval of the Managing Committee was on the basis of a resolution of a meeting that was never held. Learned counsel submits that the meeting alleged to have been convened on 14-11-2021, for reconstitution of the Managing Committee is bogus, and the fact that the names of the writ petitioners had been entered as members of the Managing Committee is without their consent or knowledge. He further submits that in view of the illegal action of the respondent Nos. 4 & 5, the writ petitioners along with the concerned villagers had filed a complaint, apart from filing RTI applications before the District School Education Officer.

3. Learned counsel for the petitioner has drawn the attention of this Court to the proceedings of the general meeting alleged to have been held on 14-11-2021, annexed as Annexure-2 to the writ petition. It is contended that the names appearing at Sl. No. 5 which is stated to be of the writ

petitioner and the signature therein, has been fabricated as the writ petitioner was never present in the said meeting, nor his signature appended to the said proceedings. Similarly, he submits that the same is also with regard to Sl. No. 7, whose name has been entered by handwriting.

4. In this backdrop, it is argued by the learned counsel for the petitioner that the meeting being contrived, and names being inserted without the knowledge of the writ petitioners, the meeting is vitiated and as such, the resolution arrived thereon, should not have been approved by the State respondents. He therefore, prays that the Managing Committee be declared illegal and directions be issued for fresh reconstitution.

5. Mr. K.P.Bhattacharjee, learned GA appearing for the respondent Nos. 1-3 in reply to the submissions, has taken this Court to the affidavit filed on behalf of the respondent No. 3 to show that on the complaint of the villagers and other persons which includes the writ petitioners, notice was issued to the President, Secretary, Headmaster and the Gaonbura, and the complainants who were called for a meeting for clarification with regard to the queries raised in the complaint questioning the proceedings dated 14-11-2021. He further submits that in the meeting which was chaired by the District School Education Officer, Tura, some of the complainants were present and in fact, in the said meeting, counter allegations were made that

the signatures of some of the complainants had been taken from the villagers by manipulation.

6. It is further submitted that the complaints by one Shri. Jolbahar Ali and Shri. Ashraf Ali, were withdrawn, and that the letters from the Gaonbura and the Headman indicates that the meeting was genuine and that the same was held on 14-11-2021, at the School premises along with the Parents, Guardians, Goanbura and the Headmaster. He therefore, submits that on the complaint, due enquiry having been gone into, and no irregularity or illegality being found, the approval was granted. He therefore, submits that the writ petition is without merit and is liable to be dismissed. Before closing his submissions, learned GA also submits that the identity of the writ petitioners is also in doubt, as their names in the complaint and in the impugned resolution, does not seem to match. Another submission which has been advanced is that, it has not been verified whether the writ petitioners are at all parents/representatives in the said Sponsoring Body.

7. Mr. S.A.Sheikh, learned counsel for the respondent Nos. 4 & 5 has supported the submission of the learned GA, and submits that the meeting was proper and above board, and that the Managing Committee had been duly constituted and approved as per law.

8. I have heard learned counsel for the parties.

9. It is noted at the outset that the issues raised herein, are issues of disputed facts, as the main ground set up is with regard to the meeting dated 14-11-2021, in which the writ petitioners allege they were not part of, which however, has been controverted by the respondents by indicating that the signature of the writ petitioners appears in the attendance sheet. It is further noted that on the basis of whatever complaint that had been filed before the respondent No. 3, the same had been attended to, and on the basis of the said enquiry, it was found that the meeting dated 14-11-2021 had indeed happened. Another point that cannot be ignored, is that apart from the allegations made in the writ petition, and on the basis of the complaint filed before the respondent No. 3, the writ petitioners if at all aggrieved with the actions of the respondent Nos. 4 & 5, especially with the accusation of forgery of their names, should have instituted criminal proceedings which however, was not done.

10. In view of the facts and circumstances of the case, wherein it is impossible for a Court sitting in writ jurisdiction to discern the disputed facts as put forward and moreover, as the term of the present Managing Committee is to expire in November, 2024, no case is made out for any interference at this stage.

11. It is however provided that, in such reconstitution of Managing Committees, due process should be adopted by the outgoing Managing

Committees, in ensuring proper notice and participation of all the stakeholders of the Sponsoring Body so that the students for which the Schools are to cater to, do not suffer due to such infighting and conflicts.

12. Accordingly, writ petition stands closed and disposed of.

**Judge**

Meghalaya  
30.05.2024  
"Samantha PS"