



Serial No. 08
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 92 of 2024

Date of Decision: 29.08.2024

Smti Anjuma Bibi

.... **Petitioner(s)**

Versus

1. State of Meghalaya
Represented by the Commissioner & Secretary,
Department of Community & Rural Development (C&RD),
Government of Meghalaya.
 2. Deputy Commissioner cum District Programme Coordinator,
(MGNREGS), West Garo Hills District, Meghalaya.
 3. The Project Director cum Addl. District Programme Coordinator,
(MGNREGS), West Garo Hills District, Meghalaya.
 4. Block Development Officer & Programme Officer,
MGNREGS, Demdema C&RD Block, Demdema,
West Garo Hills, Meghalaya
 5. Smti Zannatun Khatun
President, Moulakandi VEC,
West Garo Hills, Meghalaya
 6. Smti Moklesha Bibi
Secretary, Moulakandi VEC,
West Garo Hills, Meghalaya
 7. Smti Sabina Yesmin
Women Member, Moulakandi VEC,
West Garo Hills, Meghalaya
 8. Smti Shalina Begom,
President, Moulakandi Part South VMC,
West Garo Hills, Meghalaya
 9. Smti Afruza Bibi
Secretary, Moulakandi Part South VMC,
West Garo Hills, Meghalaya
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10. Smti Lazina Bibi
Women Member, Moulakandi Part South VMC,
West Garo Hills, Meghalaya
 11. Smti Shohenara Khatun
President, Moulakandi Part West VMC,
West Garo Hills, Meghalaya
 12. Smti Sobeda Bibi
Secretary, Moulakandi Part West VMC,
West Garo Hills, Meghalaya
 13. Smti Mozia Bibi
Women Member, Moulakandi Part West VMC,
West Garo Hills, Meghalaya
 14. Smti Kohinur Begumi
President, Moulakandi Part Bownivita VMC,
West Garo Hills, Meghalaya
 15. Smti Shazina Yasmin
Secretary, Moulakandi Part Bownivita VMC,
West Garo Hills, Meghalaya
 16. Smti Achiya Bibi
Women Member, Moulakandi Part Bownivita VMC,
West Garo Hills, Meghalaya
 17. Smti Sokina Bugum
President, Moulakandi Part 1 VMC,
West Garo Hills, Meghalaya
 18. Smti Rehena Negum
Secretary, Moulakandi Part 1 VMC,
West Garo Hills, Meghalaya
 19. Smti Mukuta Begum
Women Member, Moulakandi Part 1 VMC,
West Garo Hills, Meghalaya
 20. Smti Akirun Sultana
President, Moulakandi Part Hatkhlla VMC,
West Garo Hills, Meghalaya
 21. Smti Aktarun Nehar Bibi
Secretary, Moulakandi Part Hatkhlla VMC,
West Garo Hills, Meghalaya
 22. Smti Moslena Khatun
Women Member, Moulakandi Part Hatkhlla VMC,
West Garo Hills, Meghalaya
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23. Smti Komida Bibi
President, Moulakandi Part V VMC,
West Garo Hills, Meghalaya
 24. Smti Omila Bibi
Secretary, Moulakandi Part V VMC,
West Garo Hills, Meghalaya
 25. Smti Fatema Begum
Women Member, Moulakandi Part V VMC,
West Garo Hills, Meghalaya
 26. Smti Josna Khatun
President, Moulakandi Part XII VMC,
West Garo Hills, Meghalaya
 27. Smti Nazira Begum
Secretary, Moulakandi Part XII VMC,
West Garo Hills, Meghalaya
 28. Smti Sahera Bibi
Women Member, Moulakandi Part XII VMC,
West Garo Hills, Meghalaya
 29. Smti Mamuni Begum
President, Moulakandi Paikirpara VMC,
West Garo Hills, Meghalaya
 30. Smti Mahumuda Begum
Secretary, Moulakandi Paikirpara VMC,
West Garo Hills, Meghalaya
 31. Smti Moslema Bibi
Women Member, Moulakandi Paikirpara VMC,
West Garo Hills, Meghalaya
 32. Smti Mafruza Begum
President, Moulakandi Part III VMC,
West Garo Hills, Meghalaya
 33. Smti Rehena Begum
Secretary, Moulakandi Part III VMC,
West Garo Hills, Meghalaya
 34. Smti Hoshna Bibi
Women Member, Moulakandi Part III VMC,
West Garo Hills, Meghalaya
 35. Smti Hashinur Islam
President, Moulakandi Part XIV VMC,
West Garo Hills, Meghalaya
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36. Smti Saiful Hussain
Secretary, Moulakandi Part XIV VMC,
West Garo Hills, Meghalaya
37. Smti Abeda Khatun
Women Member, Moulakandi Part XIV VMC,
West Garo Hills, Meghalaya

..... Respondent(s)

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Chief Justice (Acting)

Appearance:

For the Petitioner(s) : Mr. S. Deb, Adv.

For the Respondent(s) : Ms. I. Lyngwa, GA (For R 1-4)
Ms. R. Colney, Adv. (For R 5-37)

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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 writ petitioner who is stated to be a Job Card Holder under the Moulakandi Village Employment Council (VEC), is before this Court complaining against the constitution of the Village Monitoring Committees (VMCs) under the Moulakandi VEC, which she alleged is not warranted, arbitrary and illegal. It is the case of the writ petitioner that the Schemes under the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) does not



envisage the creation of such Monitoring Committees, and only provides for constitution of a single VEC in a Village to undertake the developmental works under the Scheme.

2. Mr. S. Deb, learned counsel for the petitioner has strenuously argued that the persons who have been made members of the VMCs, have been appointed arbitrarily by the VEC, which has shown undue favouritism in this regard. Though he fairly submits that no allegation of corruption has been made against the functioning of the VEC or VMCs, he contends that the works are not being carried out smoothly and has affected the Job Cards Holders, as a whole. He therefore, prays that appropriate orders be issued by this Court that VMCs if constituted at all, should be by election from amongst the Job Cards Holders.

3. Ms. I. Lyngwa, learned GA for the respondents No. 1 to 4, in her submission has placed reliance in the affidavit filed on behalf of the said respondents, and submits that the writ petition itself is hit by delay and laches, inasmuch as, the VEC concerned had been elected as far back as on 27.07.2022, and has already completed 2(two) years, of its term. She further submits the orders under challenge are with regard the constitution of the VMCs, for the year 2023. It is further submitted



that the constitution of the said VMCs was at the request of the VEC itself, to ensure the efficient implementation of the MGNREGS Scheme and to achieve 100 mandays, as guaranteed to all the Job Card Holders. The State respondents, she submits on the said request for approval of constitution of VMCs members, due to the fact that it was not possible for the VEC to monitor the entire works, has accordingly consented to the same, which led to the constitution of the VMCs. She lastly submits that the writ petitioner herself had contested in the last election but was unsuccessful, and the writ petition has been filed only to harass the present VEC. She prays that the writ petition be not entertained.

4. Ms. R. Colney, learned counsel for the respondent No. 6, and the other Job Card Holders also supports the submissions made by the learned GA, and submits that the writ petition is bereft of merits, and the same deserves to be dismissed.

5. Having heard the learned counsel for the parties, it is seen that the only grievance of the writ petitioner is with regard to the constitution of the VMCs, and no other grievance has been put forward. It is noted from the materials that the said VMCs have been constituted as far back as on April, 2023 onwards, the last being on



23.08.2023. It is also noted that the election of the present VEC was held on 27.07.2022, and that the writ petitioner has approached this Court at a very belated stage, that too in a petition in the nature of a public interest litigation.

6. Notwithstanding these facts, it appears the VMCs had been constituted at the request of the VEC to ensure more effective implementation of the Scheme, and to ensure 100 mandays be achieved for all the Job Card Holders. Though on examination of the Scheme, VMCs are not contemplated therein as stated, but however as the VMCs has been constituted in public interest, and there being no allegation or any issue of misappropriation, or other discrepancies apart from the selection, the writ petition deserves no consideration and is accordingly dismissed.

7. This Court however, notes that in the constitution of such VMCs, equal opportunity should be given to all the Job Card Holders to be part of the same.

Chief Justice (Acting)

Meghalaya
29.08.2024



“V. Lyndem-PS”