
(2014) 11 MEG CK 0007
In the Meghalaya High Court
Case No : Writ Petition (Civil) No. 312/2014

Salbiona Dkhar

APPELLANT

Vs

State of Meghalaya

RESPONDENT

Date of Decision : 11-11-2014

Acts Referred:

Citation : (2014) 11 MEG CK 0007

Hon'ble Judges : T. Nandakumar Singh, J

Bench : Single Bench

Judgement

T. Nandakumar Singh, J.—Heard Mr. J.M. Thangkhiew, learned counsel appearing for the petitioner and also Mr. S.S. Gupta, GA appearing for the respondents.

2. By this writ petition, the petitioner is assailing the impugned order dated 16.06.2014 passed by the Sub-Divisional School Education Officer, West Khasi Hills District, Nongstoin for terminating the ad hoc service of the petitioner with immediate effect (Annexure ? 6 to the writ petition). For easy reference, the impugned order dated 16.06.2014 reads as follows:

"DEPARTMENT OF MEGHALAYA OFFICE OF THE SUB-DIVISIONAL SCHOOL EDUCATION OFFICER WEST KHASI HILLS DIST. NONGSTOIN

ORDER

Under the authority conveyed vide No. DSEL/EL/GA/Appt/5/2014/124, Dt. 09.06.2014 from the Director of School Education and Literacy, Meghalaya, Shillong, the service of Smti. Salbiona Dkhar, Asst. Teacher Nongkyndang GLPS as appointed vide this Office Order Memo No. DIN/PE/Appt-7/2011-12/734-38, Dt. 27.04.2011 is hereby terminated with immediate effect.

This has the approval from the competent authority.

Sd/- P.C. Das Sub-Divisional School Education Officer, Nongstoin."

3. The petitioner passed Higher Secondary School Leaving Certificate

Examination (HSSLC) in Arts Stream in the year 1991 and also passed the training of Junior Teachers Certificate Examination. The petitioner also passed District Elementary Education Eligibility Test for appointment as a teacher. The petitioner was initially appointed as Assistant Teacher of Nongkyndang Govt. L.P. School w.e.f. 01.05.2011 in the place of Smti. Kwiskera K. Bani, retired Assistant Teacher vide order of the Deputy Inspector of Schools, Nongstoin dated 27.04.2011 on temporary basis with the condition that the appointment may be terminated at any time without notice nor assigning any reason thereof. It is also admitted by the parties that in pursuance of the order dated 27.04.2011, the petitioner joined as Assistant Teacher and continued to serve without any break till the impugned order dated 16.06.2014 was issued. It is also stated in the writ petition that the impugned order dated 16.06.2014 was issued with immediate effect without giving any opportunity to the petitioner. It is also further stated by both the parties that the constitutional scheme for appointment was not followed at the time of appointment the petitioner as Assistant Teacher under the said order of the Deputy Inspector of Schools, Nongstoin dated 27.04.2011.

4. The respondents had filed the affidavit-in-opposition wherein, it is stated that the procedure for regular appointment was not followed at the time of appointment of the petitioner as Assistant Teacher under the said order of the Deputy Inspector of Schools, Nongstoin dated 27.04.2011. It is also nobody's dispute that the petitioner is eligible for appointment to the post of Assistant Teacher of Govt. L.P. School.

5. In the above factual backdrop, this writ petition is disposed of with the direction to the respondents that the respondents may take up requisite steps for regular appointment to the post of the said Assistant Teacher against which the petitioner was once appointed as Assistant Teacher vide the said order of the Deputy Inspector of Schools, Nongstoin dated 27.04.2011 and continued to serve against the said post till the service of the petitioner had been terminated with immediate effect vide impugned order dated 16.06.2014.

6. In the interregnum, if any, person is to be appointed on contract or ad hoc basis against the said post of Assistant Teacher, the case of the petitioner shall be considered for appointment and without considering the case of the petitioner, nobody can be appointed as contract or ad hoc basis. It also goes without saying that the petitioner shall be allowed to participate in the selection process for regular appointment to the said post of Assistant Teacher.

7. With the above directions and observation, this writ petition is disposed of.

8. Interim order dated 08.09.2014 also stands vacated.