

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 281 of 2017 with
WP(C) No. 360 of 2017

Date of order: 10.10.2022

Meghalaya College Teachers Association vs State of Meghalaya

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner : Mr R. Mazumdar, Adv. with
Ms U. Sarma, Adv.

For the Respondent : Mr A. Kumar, AG with
Ms S. Laloo, GA
Mrs P.D. Bujarbarua, Sr Adv. with
Ms B. Ghosh, Adv.
Ms P. Bhattacharjee, Adv.

The matter has come back on limited remand pursuant to an order of the Supreme Court passed on August 24, 2022 in Civil Appeal No(s) 5778-5779 of 2022 (*The State of Meghalaya vs Meghalaya College Teachers Association*).

Paragraph 12 of the Supreme Court order is relevant for the present purpose:

“12. The matters are remanded to the High Court to consider the grievance on behalf of the original writ petitioners with respect to non-implementation of the Meghalaya Act, 1969 and the Provident Fund Scheme under the aforesaid Act, if any. To that extent, it will be open for the original writ petitioners to amend the writ petitions to which it will be open for the State to file the counter. However, it is specifically made clear that the remand shall be only to consider the implementation of the Meghalaya Act, 1969 and the Provident Fund Scheme framed thereunder, if

any, only and the High Court on the basis of the pleadings (even after the amendment) to consider which part of the Act 1969/scheme framed under the Meghalaya Act, 1969 has not been complied with by the State and/or to what extent the same are not complied with. Only for the aforesaid purpose, the matters are remanded to the High Court. The High Court to finally decide and dispose of the writ petitions, on remand, within a period of six months from the date of receipt of the present order.”

Since the writ petitioners seek some time to file an amended petition, let such amended petition be filed within a fortnight from date. It is made clear that the amended petition should be self-contained without any further necessity to refer to the original petition.

The State and the other respondents will file their affidavits-in-opposition to the amended petition, including the pleadings retained from the original petition, within a fortnight thereafter.

If necessary, the writ petitioners may use a rejoinder within a week of the receipt of the affidavits-in-opposition. The matter will appear six weeks hence.

List on November 28, 2022

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
10.10.2022
“Sylvana PS”