

GAHC010011082023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/423/2023

TAIZUDDIN
PRESIDENT OF 2 NO. PANIKHAITY LP SCHOOL S/O LT. TALEB ALI VILL.
PANIKHAITY P.O. MAHTOLI DIST. KAMRUP (R) ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM DEPTT. OF
EDUCATION (ELEMENTARY) DISPUR GUWAHATI-781006

2:THE DIRECTOR OF ELEMENTARY EDUCATION ASSAM
KAHILIPARA GUWAHATI-781019

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER CUM THE
CHAIRMAN OF BLOCK LEVEL COMMITTEE KAMRUP (R)
P.O. AMINGAON DIST. KAMRUP (R) ASSAM PIN-781031

4:THE DEPUTY INSPECTOR OF SCHOOLS
KAMRUP (R) P.O. AMINGAON DIST. KAMRUP (R) ASSAM PIN-781031

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
CHAMARIA EDUCATION BLOCK P.O. CHAMARIA DIST. KAMRUP (R)
ASSAM PIN-781136

6:THE DEPUTY COMMISSIONER CUM THE CHAIRMAN OF THE DISTRICT
LEVEL COMMITTEE
KAMRUP (R)
P.O. AMINGAON DIST. KAMRUP(R) ASSAM PIN-781031

7:THE LUTURADIA L.P. SCHOOL
REP. BY ITS HEADMASTER VILL. LUTURADIA P.O. MAHTOLI
DIST. KAMRUP ASSAM PIN-78113

Advocate for the Petitioner : MR. D A KAIYUM

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

30.01.2023

Heard Mr. D A Kaiyum, learned counsel for the petitioner and Mr. P N Sarma, learned Standing counsel, Department of School (Elementary) Education, Assam for the respondent Nos. 1 to 5. Also heard Ms. D Das Barman, learned Government Advocate, Assam for the respondent No. 6.

The State Government in the Education Department vide Office Memorandum No. ASE 481/2016/164 dated 03.08.2021 formulated a scheme, namely, 'Siksha Khetra' for amalgamation and merger of different schools of the State.

Pursuant to the said Office Memorandum dated 03.08.2021 and approval of the Elementary Education Department of the State dated 03.08.2022, 50 numbers of lower primary schools have been merged with 48 numbers of lower primary schools in the district of Kamrup including 2 No. Panikhaity Lower Primary School and Pubpara EGS with Laturadia Lower Primary School by Notification No. EAA.75/Amal/2021/490 dated 23.03.2022 issued by the Director of Elementary Education, Assam.

Petitioner claiming himself to be the president of 2 No. Panikhaity L.P. School being aggrieved with such merger of 2 No. Panikhaity Lower Primary School and Pubpara EGS with Laturadia Lower Primary School has preferred this writ petition, praying amongst others, (i) to set aside the Notification dated 23.03.2022 issued by the Director of Elementary Education, Assam in respect of merger of 2 No. Panikhaity L.P. School with Laturadia L.P. School, (ii) to direct the respondents to cancel/ withdraw and/or forebear from giving effect to the Notification dated 23.03.2022 and (iii) to direct the respondents to allow and/or not to disturb functioning of 2 No. Panikhaity L.P. School.

The order of merger of the petitioner's school with Laturadia L.P. School was of

23.03.2022 and the petitioner has filed this writ petition on 24.01.2023 after 10 months from such date of amalgamation/merger.

Said Office Memorandum dated 03.08.2021 pertaining to scheme of 'Siksha Khetra' placed before the Court by the Standing counsel, Department of School (Elementary) Education, Assam, at its Clause 19 specifically provides that "for any dispute arising out of the order of such amalgamation or merger, the aggrieved institution/public may prefer an appeal before the Government in the Department of Secondary or Elementary Education, as the case may be".

Mr. S N Sarma, learned Standing counsel, Department of School (Elementary) Education, Assam placed before the Court the Order No. E 225754/1 dated 10.09.2022 issued by the Secretary to the Government of Assam, Department of School Education, whereby a committee of 5 members consisting of the Joint Secretary to the Government of Assam as the Chairman; the Deputy Secretary to the Govt. of Assam as a Member Convener; the Director of Secondary Education, Assam as Member; the Director of Elementary Education, Assam as Member and the System Analyst, SSA, Assam as the Technical Member have been constituted to reconsider the order of amalgamation and mergers on the basis of appeal furnished by the concerned schools in terms of the said Office Memorandum dated 03.08.2021 of the State Government in the Education Department, noted above.

Considering the entire aspect of the matter and the written information placed before the Court by the respondent authorities, the Court is not inclined to interfere with the impugned Notification No. EAA.75/Amal/2021/490 dated 23.03.2022 issued by the Director of Elementary Education, Assam pertaining to merger of 2 No. Panikhaity L.P. School with Laturadia L.P. School.

However, the petitioner may prefer an appeal before the appropriate appellate forum i.e. the State Government in the Elementary Education Department, along with the certified copy of this order for redressal of his grievances, if so advised, within a period of 30 (thirty) days from the date of this order, obtaining necessary acknowledgment from the said authority in that regard.

In the event of filing such appeal by the petitioner as directed above, the

concerned appellate authority shall pass necessary order after hearing the petitioner and on verification of relevant records of the relevant Block Level Committee as well as the District Level Committee of Elementary Education, District-Kamrup pertaining to merger of the petitioner's school with Luturadia L.P. School, District-Kamrup.

With the above observation and direction, this writ petition stands disposed of.

Copy of the written information placed before the Court by Mr. P N Sarma, Standing counsel, Department of School (Elementary) Education, Assam, noted above, be kept as part of the record.

JUDGE

Comparing Assistant