

GAHC010049952023



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

Case No. : WP(C)/1668/2023

MD. HUSSAIN AHMED
SON OF JALAL UDDIN,
VILL.- HAITORKA, P.O.- PATHERKANDI,
P.S.- PATHERKANDI, DIST.- KARIMGANJ,
ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY,
TO THE GOVERNMENT OF ASSAM,
DEPARTMENT OF EDUCATION,
GHY-06.

2:THE DIRECTOR
SECONDARY EDUCATION
ASSAM
KAHILIPARA
GHY-19.

3:THE INSPECTOR OF SCHOOLS
KARIMGANJ DISTRICT CIRCLE
DISTRICT- KARIMGANJ
ASSAM.

4:DEPUTY COMMISSIONER
KARIMGANJ
DISTRICT- KARIMGANJ

ASSAM.

5:THE DISTRICT LEVEL COMMITTEE

CONSTITUTED FOR THE PURPOSE OF AMALGAMATION OF SCHOOLS.
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY
TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF EDUCATION
GHY-06

Advocate for the Petitioner : MR. A R BHUYAN

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

10.04.2023

Heard Mr. A R Bhuyan, learned counsel for the petitioner and Mr. SMT Chistie, learned Standing counsel, Department of School Education, Assam for the respondent Nos. 1, 2, 3 & 5. Also heard Mr. G Bokalia, learned Government Advocate, Assam for the respondent No. 4.

The petitioner is the former President of the School Managing Committee of Asimia Senior Madrassa in the district of Karimganj.

The State Government by enacting Assam Repealing Act, 2020 converted all such provincialised Madrassas into provincialised secondary schools and brought those Madrassas under the Directorate of Secondary Education, Assam.

After said 2020 Repealing Act, Asimia Senior Madrassa was renamed as Asimia High School (A) in the district of Karimganj.

The State Government in the Education Department vide Office Memorandum No. ASE 481/2016/164 dated 03.08.2021 brought into force a scheme namely, Siksha Khetra Scheme, for amalgamation/merger of different schools in the state of Assam.

In pursuance of the said Scheme of Siksha Khetra and the approval of the State

Government in the Secondary Education Department vide letter No. ASE.23/2022/75 dated 18.02.2022, the Director of Secondary Education, Assam vide letter No. DSE/GIS/CC/16/2021/119 dated 27.05.2022 amalgamated Asimia High School (A) (erstwhile Asimia Senior Madrassa) along with Asimia High School (Asimia Title Madrassa) with Asimia Higher Secondary School as the Base School, laying down certain specific conditions.

Being aggrieved with such order of amalgamation/merger of Asimia High School (A) with said Asimia Higher Secondary School of district-Karimganj dated 27.05.2022, the petitioner has filed this writ petition on 21.03.2023.

Clause 19 of the Scheme of Siksha Khetra issued vide Office Memorandum dated 03.08.2021, noted above, provides that–

“Director concern will issue necessary order for amalgamation. For any disputes arising out of the order, the aggrieved institution/public may appeal before the Government in the Secondary or Elementary Education Department, as the case may be.”

In view of the above, the petitioner, if so advised, may approach the State Government in the Department of School Education by filing an appeal in terms of said Clause 19 of Siksha Khetra Scheme issued vide Office Memorandum No. ASE 481/2016/164 dated 03.08.2021 stating his grievances relating to amalgamation/merger of said Asimia High School (A) with Asimia Higher Secondary School, District-Karimganj.

Petitioner shall submit a certified copy of this order along with a copy of the writ petition including the Annexures appended thereto, before the Secretary to the Government of Assam in the Department of School Education on or before 28.04.2023, obtaining necessary acknowledgment from the said authority in that regard.

In the event of filing such appeal by the petitioner or anyone acting on his behalf as directed above, the Secretary to the Government of Assam in the Department of School Education, shall dispose of the said appeal of the petitioner in accordance with law, within a period of 90 (ninety) days from the date of receipt of the

same.

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

JUDGE

Comparing Assistant