

GAHC010086822023



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

Case No. : Review.Pet./54/2023

THE MANAGING COMMITTEE OF CHARIMARI L. P. SCHOOL
REP. BY ITS PRESIDENT SAMESH ALI, AGED ABOUT 47 YEARS,
VILL.- CHARAIMARI, P.S.- CHHAYGAON, DIST.- KAMRUP, ASSAM.

VERSUS

MAINUL HOQUE CHOUDHURY AND 6 ORS.
S/O LATE MAMAT ALI, R/O MERGANDA, P.S.- CHAYGAON, DIST.- KAMRUP,
ASSAM, PIN- 781141.

2:THE STATE OF ASSAM
REP BY THE SECRETARY TO THE GOVT. OF ASSAM
DEPTT. OF SCHOOL EDUCATION
DISPUR
GUWAHATI- 781006.

3:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 781019.

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
KAMRUP
AMINGAON
DIST.- KAMRUP
ASSAM
PIN- 781031.

5:THE DEPUTY INSPECTOR OF SCHOOLS
AMINGAON
AMINGAON
DIST.- KAMRUP
ASSAM
PIN- 781031.

6:THE BLOCK ELEMENTARY EDUCATION OFFICER
CHHAYGAON EDUCATION BLOCK
P.O.- CHHAYGAON
DIST.- KAMRUP
ASSAM
PIN- 781141.

7:THE ADDITIONAL DEPUTY COMMISSIONER
(I/C EDUCATION) CUM CHAIRMAN OF THE DISTRICT LEVEL COMMITTEE
KAMRUP
AMINGAON
DIST.- KAMRUP
ASSAM
PIN- 781031

Advocate for the Petitioner : MR. B C DAS

Advocate for the Respondent : GA, ASSAM

BEFORE

HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

04.05.2023

O R D E R

Heard Mr. B.C. Das, learned Senior counsel assisted by Mr. S.H. Rahman, learned counsel for the review petitioner. Also heard Mr. P.R. Sharma, learned counsel for opposite party No.1; Mr. G. Pegu, learned Government Advocate, Assam for respondent No.7 and Mr. R. Mazumdar, learned Standing Counsel, Elementary Education Department, Government of Assam for respondent Nos.2, 3, 4, 5 and 6.

2. The review petitioner in the present review petition is the Managing Committee of Charaimari LP School, represented by its President and is praying for review of the order, dated 17.02.2023, passed by this Court in WP(C) No.889/2023.

3. It is the case of the review petitioner that when the said writ petition was disposed of, the review petitioner was not heard and because of the order,

dated 17.02.2023, the authorities are not providing the mid-day meal, school uniform and books to the students for the year 2023-24. On this ground, the review petitioner seeks review of the order, dated 17.02.2023, passed in WP(C) No.889/2023.

4. On consideration of the materials available on record particularly on perusal of the order, dated 17.02.2023, passed in WP(C) No.889/2023, it is seen that this Court had only directed the petitioner to file an appeal against the order, dated 30.01.2023, issued by the Director of Elementary Education, Assam before the Secretary to the Government of Assam, School Education Department in terms of Clause 7 of the Office Memorandum dated 22.09.2016 which provides that if any dispute arises with regard to amalgamation of schools, the aggrieved institution/public may prefer an appeal before the Government in the Secondary or Elementary Education Department, as the case may be.

5. Under the facts and circumstances of the case, I see no reason to review the order, dated 17.02.2023.

6. At this stage, learned counsel for the opposite party No.1 submits that they have already filed an appeal before the Commissioner and Secretary to the Government of Assam, School Education Department on 21.02.2023 and the same is still pending disposal.

7. Accordingly, Commissioner and Secretary to the Government of Assam, School Education Department, Government of Assam while considering the appeal filed by the opposite party No.1/writ petitioner in WP(C) No.889/2023 shall afford an opportunity of hearing to the present review petitioner/respondent No.7 in WP(C) No.889/2023 as well as to the opposite party No.1/writ petitioner in WP(C) No.889/2023.

8. The rest of the steps shall be taken by the Commissioner and Secretary to the Government of Assam, School Education Department as directed in the order, dated 17.02.2023, passed by this Court in WP(C) No.889/2023.

9. The Review Petition is, accordingly, disposed of.

JUDGE

Comparing Assistant