

GAHC010090362023



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

**Case No. : WP(C)/2382/2023**

SCHOOL MANAGEMENT AND DEVELOPMENT COMMITTEE (SMDC) ADUT  
KHURACHUK HIGH SCHOOL  
TO DIRECTOR SECONDARY EDUCATION FOR KEEPING THE SELF SCHOOL  
STATUS OF ADUT KHURACHUK HIGH SCHOOL.  
SCHOOL MANAGEMENT AND DEVELOPMENT COMMITTEE (SMDC) OF  
ADUT KHURACHUK HIGH SCHOOL, REPRESENTED BY ITS SECRETARY  
CUM HEADMASTER SUBHASH CH. PEGU.

VERSUS

THE STATE OF ASSAM AND 7 ORS  
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM,  
DISPUR, GUWAHATI- 781006, ASSAM.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF  
ASSAM  
SECONDARY EDUCATION DEPARTMENT  
DISPUR  
GUWAHATI- 781006  
ASSAM.

3:THE DIRECTOR OF SECONDARY EDUCATION DEPARTMENT  
KAHILIPARA MAIN ROAD  
JATIA  
GUWAHATI- 781019.

4:DISTRICT SECONDARY EDUCATION OFFICER  
DHEMAJI.

5:THE DEPUTY INSPECTOR OF SCHOOLS  
DISTRICT- DHEMAJI  
ASSAM  
PIN- 787060.

6:THE BLOCK ELEMENTARY EDUCATION OFFICER  
DHEMAJI  
DISTRICT- DHEMAJI  
ASSAM  
PIN- 787060.

7:THE HEADMASTER  
RAJIB GANDHI ME SCHOOL  
DISTRICT- DHEMAJI  
ASSAM  
PIN-

8:THE HEADMASTER  
ADUT TENGAGARAH ME SCHOOL

**Advocate for the Petitioner** : MR P R SARMA

**Advocate for the Respondent** : SC, SEC. EDU.

BEFORE

**HON'BLE MR. JUSTICE MANASH RANJAN PATHAK**

**ORDER**

**08-05-2023**

Heard Mr. P. R. Sarma, learned counsel for the petitioner and Ms. D. Das Barman, learned Government Advocate, Assam for the respondent No. 1. Also heard Mr. B. Kaushik, learned Standing Counsel, Department of School (Secondary) Education for the respondent Nos. 2 to 6.

**2)** The petitioner is the School Management and Development Committee (SMDC) of Adut Khurachuk High School in the District of Dhemaji, represented by the Headmaster of the said School being the Secretary of its SMDC.

**3)** On approval of the State Government in the Secondary Education Department on 03.02.2021, the Director of Secondary Education, Assam by order dated 04.01.2021 provincialised the services of teaching and non-teaching staff of said Adut Khurachuk High School under the provisions of the Assam Education (Provincialisation of Services

of Teachers and Re-organisation of Educational Institutions) Act, 2017, as amended, as well as under the provisions of the Assam Education (Provincialisation of Services of Non-Teaching staff of the Venture Educational Institution) Act, 2018, as the case may be w.e.f., 01.01.2021.

**4)** Later by order under No.DSE/GIS/Amal/17/2021/69 dated 30.03.2022 the State Government in the Secondary Education Department amalgamated Rajib Gandhi ME School and Adut Tengarah ME School with Adut Khurachuk High School as the Base School. It is stated that pursuant to the said amalgamation order dated 30.03.2022, both Rajib Gandhi ME School and Adut Tengarah ME School was merged with the petitioner School along with their staff, both teaching and non-teaching and all the movable and immovable properties, documents, records of those two amalgamated ME Schools have been vested with the petitioner School i.e., Base School, namely, Adut Khurachuk High School.

**5)** The petitioner has reliably learnt that the reference of amalgamation of Rajib Gandhi ME School and Adut Tengarah ME School with the petitioner School as the Base School have been placed/ordered for re-submission. As such, the petitioner has submitted application before the Director of Secondary Education, Assam on 01.03.2023 to keep the petitioner School as a Self School status, apprehending that once the authorities concerned after such resubmission regarding reference of amalgamation of those two School with the petitioner's School as the Base School, the petitioner School may lose the identity as the Self School status. Hence, this writ petition.

**6)** It is seen that in the order dated 30.03.2022 of the State Government in the Secondary Education Department amalgamating Rajib Gandhi ME School and Adut Tengarah ME School, with the petitioner School, namely, Adut Khurachuk High School, it is provided that said Adut Khurachuk High School shall be the Base School and in the terms and conditions No.10 of the said order dated 30.03.2022 it is

specified that in case, any dispute the OM as well as the existing Government Rule and procedures etc., shall be followed.

**7)** The Office Memorandum of the State Government in the Secondary Education Department No.ASE.481/2016/164 dated 03.08.2021 relates to Scheme of 'Siksha Khetra' for amalgamation and merger of different Schools. Moreover, the State Government in the Secondary Education Department vide order No.E.225754/1 dated 10.09.2022 have constituted an Amalgamation/Merger Re-verification Committee consisting of five Members including one Chairman, one Member Convener, two General Members and one Technical Member to reconsider the order of amalgamation/merger of different Schools relating to the issues of enrollments/infrastructures and distances etc., who have been amalgamated pursuant to the OM of the Siksha Khetra, noted above.

**8)** The Re-verification Committee is required to prepare and finalise the check list with the approval of the senior most Secretary and thereafter, the said Committee on being satisfied in respect of acceptance or rejection of the claims and petitions by filling up of the check list against each claims relating to the matter against amalgamation/merger or for amalgamation and merger.

**9)** The OM No.ASE.481/2016/164 dated 03.08.2021 with regard to Siksha Khetra Scheme for amalgamation and merger of different Schools, which is presently in force, at Clause 19 provides that – *for any disputes arising out of the order, the aggrieved Institution/public may appeal before the Government in the Secondary/Elementary Education Department, as the case may be.*

**10)** In view of the above, if the petitioner have any such grievances, it may approach the appropriate forum by filing an appeal on or before **18.05.2023** along with the certified copy of this order and a copy of this writ petition including the annexures appended thereto regarding redressal of their grievances pertaining to amalgamation of Rajib Gandhi ME School and Adut Tengarah ME School with the

petitioner School i.e., Adut Khurachuk High School or pertaining to any such order/report submitted by the said Amalgamation/Merger Re-verification Committee in favour of amalgamation or in rejection of amalgamation/merger of those two ME Schools with the petitioner's School in terms of the amalgamation order dated 30.03.2022.

**11)** In the event of filing such appeal by the petitioner as directed above, the concerned appellate authority shall consider the appeal of the petitioner and shall pass necessary order, after giving an opportunity of hearing to the petitioner School as well as the respondent Nos.7 and 8 Schools, intimating the petitioner about the outcome of its appeal.

**12)** With the above observation and direction this writ petition stands disposed of.

**JUDGE**

**Comparing Assistant**