

GAHC010095362023



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

Case No. : WP(C)/2742/2023

SHARMA MILI
S/O TANGKESWAR MILI, R/O JAMUGURI MIRI, P.S.-DHEMAJI, SUB-
DIVISION- DHEMAJI, DIST- DHEMAJI

VERSUS

THE STATE OF ASSAM AND 6 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
ASSAM

5:THE INSPECTOR OF SCHOOLS
DIST-DHEMAJI
ASSAM
PIN-

6:THE BLOCK ELEMENTARY EDUCATION OFFICER

DHEMAJI
DIST-DHEMAJI
ASSAM
PIN-

7:THE HEADMASTER
JAMUGURI PANCHALI HIGH SCHOOL
DIST-DHEMAJI
ASSAM
PIN

Advocate for the Petitioner : MR P R SARMA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 19.05.2023

Heard Mr. P.R. Sarma, learned counsel for the petitioner. Also heard Mr. P. Saikia, learned Govt. Advocate appearing for respondent no.1 and Mr. R. Mazumdar, learned standing counsel for the School Education Department, respondent nos.2 to 6

2. In view of the order proposed to be passed, issuance of notice on the respondents including the respondent no.7 is exempted.

3. The petitioner is the Headmaster of Sahabari Kalia High School. As per the policy decision of the State, the school of the petitioner was selected as a base school and it was proposed by the authorities that Jamuguri Panchali High School would be merged with the school of the petitioner. Aggrieved by the proposal, the petitioner has submitted a representation dated 31.08.2022 to the Inspector of Schools, Dhemaji for keeping the self-school status of Sahabari

Kalia High School, followed by another representation dated 01.03.2023.

4. The learned counsel for the petitioner has submitted that the school of the petitioner is having an enrolment of 152 students with sufficient teaching and non-teaching staff. It is also submitted that there is no other school within 8-9 KMs around the school of the petitioner, which would disturb the school education environment. Accordingly, this writ petition has been filed under Article 226 of the Constitution of India to assail the decision of the Govt. for the merger process and for a direction upon the respondent authorities to maintain the self-school status of the petitioner.

5. It appears from the contents of representation dated 31.08.2022 that the President of the School Managing Committee had represented before the Supervisor of Schools, Dhemaji District to facilitate Sahabari Kali High School to teach in their school.

6. In the representation submitted by the petitioner, the petitioner has opposed the decision for imposing other English medium school on them. In the second representation of the petitioner dated 01.03.2023, the grievance of the petitioner is that if their school is merged with Jamuguri Panchali High School, the students would feel harassed and most of the students would have to walk a long distance for their schooling.

7. The Court is constrained to hold that all the grounds which are mentioned in the above mentioned representations are not good and sufficient grounds to challenge the administrative and policy decision of the authorities of the School Education Department to merge the school of the petitioner with another school for which the respondent authorities are not required to consult the petitioner. Accordingly, the Court does not find any merit in the petitioner's

representation and therefore, this is not found to be a fit case for issuance of notice on the respondents and/or for a direction upon the respondent authorities to dispose of such representation.

8. Accordingly, this writ petition stands dismissed in limine without issuance of notice on the respondents.

JUDGE

Comparing Assistant