

GAHC010121322023



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

Case No. : WP(C)/3235/2023

ROFIKUL ISLAM AND 3 ORS
S/O JURAN ALI, VILL AND P.O.-KHARMUJA, P.S.-GOALPARA, DIST-
GOALPARA, ASSAM, PIN-783129

2: AFSER ALI
S/O LT. ABDUL HAMID
VILL-KARAIKHOWA
P.O.-KHARMUJA
P.S.-GOALPARA
DIST-GOALPARA
ASSAM
PIN-783129

3: JABED ALI
S/O FULBAR ALI
VILL AND P.O.-KHARMUJA
P.S.-GOALPARA
DIST-GOALPARA
ASSAM
PIN-783129

4: NUR ISLAM
S/O NOIMUDDIN
VILL AND P.O.-KHARMUJA
P.S.-GOALPARA
DIST-GOALPARA
ASSAM
PIN-78312

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDU. ASSAM, DISPUR, GHY-6

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

3:THE DEPUTY COMMISSIONER
GOALPARA
P.O. AND DIST- GOALPARA
ASSAM
PIN-783101

4:THE INSPECTOR OF SCHOOLS
GDC
GOALPARA
DIST-GOALPARA
ASSAM
PIN-783101

5:THE ADDL. DEPUTY COMMISSIONER
GOALPARA
DIST-GOALPARA
ASSAM
PIN-783101

6:THE PRINCIPAL
KAHRMUJA H.S. SCHOOL
P.O.-KHARMUJA
DIST- GOALPARA
ASSAM
783129

7:SK. RAFIQUUL ISLAM
S/O LT. SK. SAMAN ALI
VILL AND P.O.-KHARMUJA
P.S. AND DIST- GOALPARA
ASSAM
PIN-78312

Advocate for the Petitioner : MD A HUSSAIN

Advocate for the Respondent : SC, SEC. EDU.

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 07.06.2023

Heard Mr. A.Hussain, learned counsel for the petitioners. Also heard Mr. S.M.T. Chistie, learned standing counsel, Secondary Education appears for respondent Nos.1, 2 and 4 and Mr. G.Bokolial, learned Govt. Advocate appears for the respondent Nos. 3 and 5.

2. The petitioners before this Court are the local villagers/parent guardians/social workers who are aggrieved by the impugned letter dated 23.12.2022, whereby, one Sk. Rafiqul Islam was recommended as the President of Kharmuja H.S. School.

3. It is the case of the petitioners that by a Notification dated 24th June, 2016, issued by the Secretary Education (Secondary) Department, the criteria for selection of President/Vice-President of the School Management & Development Committee were formulated, and amongst the said criteria, criteria No.4 provides that any person who have contested any election of Panchayat level/Parliament or Assembly Election in last 20 years should not be considered for the post of the President/ Vice-President. The notification further stipulates that any person to be considered for President should have no political career.

4. It is submitted that the said Sk. Rafiqul Islam /respondent No.7 is the Ex-President of Goalpara District Yuba Marcha and presently holding the post of Secretary, AIUDF Goalpara District Committee. In that view of the matter, it is

submitted that the respondent No.7 is debarred for being recommended as President of the said Kharmuja H.S. School. Being aggrieved, the petitioner has also made a representation before the Director of Secondary Education, Assam against the communication dated 23.12.2022.

5. A perusal of the Notification dated 27th of October, 2021, issued by the Principal Secretary to the Government of Assam, Secondary Education Department clearly indicates that the concerned Deputy Commissioner is empowered to select the President and Vice-President of the School Management & Development Committee of an Educational institution of the concerned District with the approval of the Guardian Minister.

6. In that view of the matter, this Court is of considered opinion that the petitioners have approached the wrong forum while making their representation.

Accordingly, this writ petition is disposed of, directing the petitioners to make a representation against the communication dated 23rd of December, 2022 before the Deputy Commissioner, Goalpara/respondent No.3 by annexing a copy of the writ petition along with all the annexures within a period of 1(one) week from today.

7. Thereafter, the respondent No.3 on receipt of the representation shall consider and dispose of the same after hearing all the concerned parties involved and also taking into consideration the Notification dated 24th of June,

2016, issued by the Education (Secondary) Assam within a period of 1(one) month from the date of receipt of the representation.

8. With the aforesaid observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant