

GAHC010137712023



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

**Case No. : WP(C)/3656/2023**

MD. TURAB ALI AND 5 ORS  
S/O- LATE OSMAN ALI, R/O- VILL- SAPKATI, P.O. DEWAGURI, P.S.  
LAHARIGHAT, DIST.- MORIGAON, ASSAM, PIN- 782127

2: MD. AYUB ALI  
S/O- LATE OSMAN ALI  
R/O- VILL- SAPKATI  
P.O. DEWAGURI  
P.S. LAHARIGHAT  
DIST.- MORIGAON  
ASSAM  
PIN- 782127

3: MD. ICHAB ALI  
S/O- LATE OSMAN ALI  
R/O- VILL- SAPKATI  
P.O. DEWAGURI  
P.S. LAHARIGHAT  
DIST.- MORIGAON  
ASSAM  
PIN- 782127

4: MD. SURHAB ALI  
S/O- LATE OSMAN ALI  
R/O- VILL- SAPKATI  
P.O. DEWAGURI  
P.S. LAHARIGHAT  
DIST.- MORIGAON  
ASSAM  
PIN- 782127

5: MD. MASUM ALI  
S/O- LATE OSMAN ALI  
R/O- VILL- SAPKATI

P.O. DEWAGURI  
P.S. LAHARIGHAT  
DIST.- MORIGAON  
ASSAM  
PIN- 782127

6: MD. MUSLEMUDDIN AHMED  
S/O- LATE OSMAN ALI  
R/O- VILL- SAPKATI  
P.O. DEWAGURI  
P.S. LAHARIGHAT  
DIST.- MORIGAON  
ASSAM  
PIN- 78212

VERSUS

THE STATE OF ASSAM AND 4 ORS  
TO BE REP. BY THE SECY. TO THE GOVT. OF ASSAM, DEPTT. OF  
ELEMENTARY EDUCATION, DISPUR, GHY-06

2:PRINCIPAL SECRETARY  
TO THE GOVT. OF ASSAM  
REVENUE AND DISASTER MANAGEMENT DEPTT.

3:DIRECTOR  
ELEMENTARY EDUCATION DEPTT.  
KAHILIPARA  
GHY-19

4:THE DEPUTY COMMISSIONER  
MORIGAON  
ASSAM

5:THE CIRCLE OFFICER  
LAHARIGHAT REVENUE CIRCLE  
LAHARIGHAT  
MORIGAO

**Advocate for the Petitioner** : MR. A R BHUYAN

**Advocate for the Respondent** : GA, ASSAM

**BEFORE  
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

**ORDER**

**Date : 23.06.2023**

Heard Mr. A.R.Bhuyan, learned counsel for the petitioners. Also heard Ms. N.Phukan, learned standing counsel, Elementary Education for the respondent Nos. 1 and 3; Mr. J.Handique, learned standing counsel, Revenue Department for the respondent No.2 and Mr. G.Pegu, learned Govt. Advocate for the respondent Nos. 4 and 5.

2. The petitioners before this Court are the legal heirs of Late Osman Ali, who have donated 1 bigha of land for establishment of Uttar Sapkati Prathamik Vidyalaya. Thereafter, the Commissioner & Secretary to the Government of Assam, Elementary Education Department issued a Notification dated 19<sup>th</sup> of December, 2017, merging 45(Forty Five) L.P. Schools with 42(Forty Two) L.P Schools of Morigaon district under the Scheme of 'Siksha Khetra'. In the said Notification, the petitioners' school namely, Uttar Sapkati L.P. School is merged with the Uttar Sapkati L.P. (E) School. Further in the terms and conditions of the said Notification dated 19<sup>th</sup> of December, 2017, Clause No.8 provides that the movable/ immovable property/documents/records of the merged school shall be vested in the name of the base (new) school. Being aggrieved, the petitioners are before this Court by way of the present writ petition.

3. Clause-19 of the Office Memorandum dated 3<sup>rd</sup> of August, 2021, issued by the Secondary Education Department, Government of Assam provides that with regard to any disputes, the aggrieved Institution/public may appeal before the

Government in the Secondary or Elementary Education Department.

4. The learned counsel for the petitioner prays for a direction allowing the petitioners to file an appeal in terms of Clause-19 of the OM dated 3<sup>rd</sup> of August, 2021, before the appropriate authority.

5. Accordingly, this writ petition is disposed of directing the petitioners to file an appeal under Clause-19 of the OM dated 3<sup>rd</sup> of August, 2021, before the Secretary, School Education Department, Government of Assam, within a period of 15 days from today. Thereafter on receipt of the appeal, the Secretary, School Education Department, Govt. of Assam shall consider the appeal and dispose of the same by a speaking order in accordance with law within a period of 2(two) months from the date of receipt of the appeal.

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

**JUDGE**

**Comparing Assistant**