

GAHC010266492022



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

Case No. : WP(C)/6594/2022

1178 NO. DAKHIN KHATOWAL MUKTAB SCHOOL AND ANR.
REP. BY ITS HEADMASTER- ABDUS SALAM
S/O. LT. AFAZ UDDIN
VILL. DAKHIN KHATOWAL
P.O. TARABARI
P.S. RUPAHIHAT
DIST. NAGAON
ASSAM.

2: ABU SHARMA
S/O. LT. ABED ALI
PRESIDENT OF SCHOOL MANAGING COMMITTEE
1178 NO. DAKHIN KHATOWAL
P.O. TARABARI
P.S. RUPAHIHAT
DIST. NAGAON
ASSAM.
VERSUS

THE STATE OF ASSAM AND 7 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
ELEMENTARY EDUCATION DEPTT.
DISPUR
GUWAHATI-06.

2:THE DIRECTOR
ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-19.
3:THE MISSION DIRECTOR

SSA
ASSAM

KAHILIPARA
GUWAHATI-19.
4:THE DEPUTY COMMISSIONER

NAGAON
ASSAM
PIN-782001.
5:THE ADC (EDUCATION) CUM DMC

SSA
NAGAON
ASSAM.
6:THE DIST. ELEMENTARY EDUCATION OFFICER

NAGAON
ASSAM
PIN-782001.
7:THE BLOCK ELEMENTARY EDUCATION OFFICER

LAWKHOWA
NAGAON
DIST. NAGAON
ASSAM
PIN-7821
8:THE HEADMASTER
DAKHIN KHATOWAL MIDDLE ENGLISH MADRASSA
VILL. DAKHIN KHATOWAL
P.O. TARABARI
P.S. RUPAHIHAT
DIST. NAGAON
ASSAM
PIN-782125.

Advocate for : MR J C BORAH
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 7 ORS.

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

01.02.2023

1. Heard Mr. J.C. Borah, learned counsel for the petitioner and Mr. R. Sarma,

learned counsel for the respondent no.8. Mr. N.J. Khataniar, learned counsel appears for the Elementary Education Department; Mr. S. Bora, learned counsel appears for the respondent no.3 and Mr. G. Pegu, learned counsel appears for the respondent nos.4 & 5.

2. The petitioner herein has prayed for setting aside and quashing the impugned Notification dated 08.04.2022, issued by the respondent no.2, whereby 1178 No. Dakhin Khatowal Muktab School has been amalgamated with Dakhin Khatowal M.E. Madrassa of Nagaon District under the Siksha-Khetra Scheme. The petitioner has also prayed for setting aside the impugned letter dated 21.09.2022 issued by the respondent no.6.

3. At the outset, Mr. N.J. Khataniar, learned counsel has submitted Order No.E 225754/1 dated 10.09.2022 issued by the Secretary to the Government of Assam, Department of School Education, which states that the Department of School Education has constituted an Amalgamation/Merger Re-Verification Committee, to re-consider the order of amalgamation and mergers of schools.

4. Mr. N.J. Khataniar submits that as the question of whether the amalgamation of the two schools in this case should be done away with, can be decided by the Amalgamation/Merger Re-Verification Committee in terms of the order dated 10.09.2022, the dispute herein should be referred to the said Committee. The counsels for the petitioner and the respondent no.8 also do not have any objection to the same.

5. In view of the consent of the parties, the petitioner is given the liberty to file a representation to the Amalgamation/Merger Re-Verification Committee, with regard to his grievance against the amalgamation of the two schools, which should be done within a period of 2 (two) weeks from today. The respondent no.8 shall also be given opportunity of submitting a reply and documents in support of his submission with regard to the amalgamation of schools. The Amalgamation/Merger Re-Verification Committee is directed to take an expeditious decision with regard to the dispute and preferably within a period of 2 (two) months, from the date of receipt of the petitioner's representation accompanied by a copy of this order. The decision of the Amalgamation/Merger Re-Verification Committee should be made only after giving an opportunity of hearing to the petitioner and the respondent no.8. Till a decision is taken by the Amalgamation/Merger Re-Verification Committee, *status quo* order passed on 29.09.2022 shall continue to operate.

The order dated 10.09.2022 is made a part of the record and marked as Annexure-'X'

6. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant