

GAHC010276232023



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

Case No. : WP(C)/7094/2023

SCHOOL MANAGING COMMITTEE AND 9 ORS.
MOUKHOWA UZIRAR CHAR M.E. MADRASSA P.O. UZIRAR CHAR, P.O.
UZIRAR CHAR, P.S. ALOPATICHAR, DIST. BARPETA, REPRESENTED BY
MOHIRUDDIN, PRESIDENT OF THE SMC SCHOOL.

2: MOHIRUDDIN
S/O- LATE LALCHAN
PRESIDENT OF THE SCHOOL MANAGING COMMITTEE
MOUKHOWA UZIRAR CHAR M.E. MADRASSA VILL.- UZIRAR CHAR
P.O. UZIRAR CHAR
P.S. ALOPATICHAR
DIST. BARPETA
PIN- 783101.

3: JIAR ALI
S/O- LATE HOROF ALI
VILL.- MOUKHOWA CHAR

4: MD. ABUL
S/O- TOMEJ ALI
VILL.- MOUKHOWA CHAR

5: AYMONA
W/O- ABDUL LATIF
VILL.- MOUKHOWA CHAR

6: PASAN ALI
S/O- JUNGU SK
VILL.- MOUKHOWA CHAR

7: DELWARA KHATUN
W/O- MOYNAL HOQUE
VILL.- MOUKHOWA CHAR

8: SHOHIDA KHATUN
W/O- ABU SHAMA
VILL.- MOUKHOWA CHAR

9: IBRAHIM ALI
S/O- LATE AJMAT ALI
VILL.- MOUKHOWA CHAR

10: MESER ALI
S/O- LATE AKBOR ALI
VILL.- MOUKHOWA CHAR
SL. NOS. 2 TO 10 ARE MEMBER OF S.M.C.
ALL ARE OF P.O. UZIRAR CHAR
P.S. ALOPATICHAR
DIST. BARPETA
PIN- 783101

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
SECONDARY EDUCATION DEPARTMENT, DISPUR, GUWAHATI-781006.

2:THE SECRETARY TO THE GOVT. OF ASSAM
ELEMENTARY EDUCATION DEPTT.
DISPUR
GUWAHATI-781006.

3:THE DIRECTOR

SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019.

4:THE DISTRICT COMMISSIONER
BARPETA
PIN- 781301.

5:THE INSPECTOR OF SCHOOLS
BDC
BARPETA
PIN- 781301.

6:THE DISTRICT ELEMENTARY EDUCATION OFFICER
BARPETA
PIN-781301.

7:ASHOK KR. THAKUR
MID-DAY MEAL OFFICER
UNDER THE DEEO
BARPETA
PIN- 781301.

8:THE BLOCK ELEMENTARY EDUCATION OFFICER

MANDIA BLOCK
P.O. MANDIA
DIST. BARPETA
PIN- 781308.

9:AHAMMAD HUSSAIN MOLLAH
HEAD MASTER
UZIRAR CHAR HIGH SCHOOL
P.O. UZIRAR CHAR
DIST. BARPETA VIA GOALPARA
PIN- 783101

Advocate for the Petitioner : MR. A ROSHID

Advocate for the Respondent : GA, ASSAM

BEFORE

HON'BLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

O R D E R

13.12.2023

Heard Mr. A Roshid, learned counsel for the petitioners , Mr. B Kaushik, learned counsel for the respondents in the Secondary Education Department as well as for the Elementary Education Department and Ms. T Hazarika, learned Junior Government Advocate for the District Commissioner, Barpeta.

2. Considering the nature of the grievance raised, we are not required to hear the Headmaster of Uzirar Char High School, Barpeta.
3. The petitioners before the Court are the School Managing Committee of

Moukhowa Uzirar Char ME Madrassa. Under the prevailing Rules and Regulations, the Managing Committee of a ME Madrassa is entitled to be provided with the mid-day meal and the applicable provision is such that the mid-day meal benefits are distributed through the School Managing Committee. It is stated that as because certain teachers of the ME Madrassa had later on migrated to the Uzirar Char High School, they have also carried along with them the benefit of mid-day meal which is otherwise meant for the Uzirar Char ME Madrassa.

4. No such entitlement is available under the law and the law requires that it is only the students of the ME Madrassa who would be entitled to the mid-day meal benefit provided for the said school and it shall be distributed through the School Managing Committee of the Madrassa itself and no stranger to the School Managing Committee shall either be given the entitlement or the benefit of dealing with the mid-day meal provision meant for the Uzirar Char ME Madrassa.

5. In view of the above, the Director of Elementary Education Assam to look into the aforesaid aspect and pass necessary orders and also ensure that the Uzirar Char ME Madrassa is in receipt of the mid-day meal benefit through the School Managing Committee and also that strangers do not intervene in between and divert the mid-day meal to some other place.

6. Correspondingly, the School Managing Committee of Uzirar Char ME Madrassa is also specifically directed that the mid-day meal benefits are being directly provided to the students for whom it is meant for. If any person is presently not associated with the Uzirar Char ME Madrassa, they shall not be allowed to deal with the mid-day meal in any manner by the Director. This order is passed in the interest of the students of the Uzirar Char ME Madrassa rather

than looking into the interest of the others.

The writ petition is disposed of as indicated above.

JUDGE

Comparing Assistant