

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

WP(C) No. 579 of 2024

Nameirakpam Nodiachand Singh

...Petitioner/s

Vs.

State of Manipur & 12 ors.

...Respondent/s

- B E F O R E -

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

22.08.2024

Heard Mr. Th. Henba, learned counsel appearing for the petitioner and Mr. S. Nepolean, learned GA assisted by Mrs. RK Emily, learned Dy.GA appearing for the State respondent No. 1 – 4 & 6.

[2] At the outset, learned counsel appearing for the petitioner submitted that the petitioner has already submitted a representation dated **28-06-2024** to the Commissioner, Education(S), Government of Manipur and the Director of Education (S), Government of Manipur raising his grievance with regard to the constitution of the School Managing Committee of the **Shakhi Devi Girls' High School** and that the said representation is still pending for consideration by the authorities. The learned counsel further submitted that the present writ petition can be disposed of by directing either the Commissioner, Education(S) or the Director of Education (S), Government of Manipur to consider the said representation submitted by the petitioner on its own merit and to dispose of the same by issuing a speaking order within a stipulated period.

[3] Mr. S. Nepolean, learned GA appearing for the respondents fairly submitted that as the prayer made on behalf of the petitioner confines to only consideration and disposal of the representation submitted by the petitioner, he has no objection in disposing of the present petition as prayed for by the learned counsel for the petitioner. The learned GA, however, submitted that the direction may be issued to the Director of Education (S), Government of Manipur who is the competent authority to consider and decide the representation submitted by the petitioner.

[4] In view of the limited prayer made on behalf of the petitioner and the submission made by the learned GA appearing for the official respondents, this Court is of the considered view that the present writ petition can be disposed of at the motion stage itself without issuing notice to the other respondents, viz., respondents No. 5 and 7 to 13, as their rights and interests will not be affected at all, by issuing a direction to the Director of Education (S), Government of Manipur to consider and dispose of the representation submitted by the petitioner.

[5] The case of the petitioner is that under the **Manipur Aided High and Higher Secondary Schools (Managing Committees) Rules, 1975**, it is, inter alia, provided under Rule (2) that Every Government Aided High or Higher Secondary Schools shall be governed by a Managing Committee, the formation of which has to be approved by the Inspector of Schools, save in cases where the Director of Education, allows an exception under special circumstances and that each Managing Committee shall consist of

Headmaster or the Principal, Two Teachers representatives to be elected by the approved teaching staff, Two Guardians' representatives to be elected by the guardians, One member to be elected by the donors of not less than Rs. 500/- each from amongst themselves and the Founder, if any, or a person nominated by him. In Sub-Rule (V) of Rule (2), it is further provided that the Founder once approved cannot be revoked and there should be one and only one founder for an educational institution.

[6] It is the case of the petitioner that he was duly nominated as a Founder by the original founder under a letter dated **06-10-1995** addressed to the Inspector of Schools, Zone-I (at Annexure-A/6) and pursuant to the said nomination, the present petitioner has all along been a member of the Managing Committee of the said school since the year 1990 and that the petitioner was a member of the said school Managing Committee till the last constituted Managing Committee of the school. It is also the case of the petitioner that quite surprisingly, in the recently constituted Managing Committee of the said school, his name has been omitted on the ground that the petitioner has not submitted any application claiming to be the Founder of the said school. In this regard, the attention of this Court has been drawn to the letter dated **15-01-2024** submitted by the petitioner addressed to the Headmistress of the Shakhi Devi Girls' High School with a request to include his name as a member of the Managing Committee on the ground that he is the founder of the said school. When his name has not been included as a member of the School Managing Committee, the petitioner

having been aggrieved approached this Court by filing the present petition for redressing his grievances.

[7] Taking into consideration the submission advanced by the learned counsel appearing for the parties and the facts and circumstances under which the petitioner has filed the present writ petition, this Court is of the considered view that interest of justice will be met if the present writ petition is disposed of by issuing the following directions :-

- (i) The Director of Education (S), Government of Manipur is hereby directed to consider the representation dated **28-06-2024** submitted by the petitioner on its own merit and strictly in terms of the applicable Rules and to pass appropriate order;
- (ii) It is made clear that if for any reason, the Director of Education (S), Government of Manipur deems it necessary to hear any of the private respondents herein, he is at liberty to issue notice to the said respondents and to give an opportunity of being heard to them including the present petitioner;
- (iii) It is also made clear that the whole exercise including issuance of appropriate order should be completed within a period of 2(two) months from the date receipt of a certified copy of this order.

[8] With the aforesaid directions, the present petition is disposed of.

JUDGE

Dhakeshori