

GAHC010002522024



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

Case No. : WP(C)/67/2024

DILDER HUSSAIN AND ANR
S/O A. MOTLEB, VILL-KAPURPURA, P.S.-BHURAGAON, DIST-MORIGAON,
ASSAM

2: MAINUL HOQUE
S/O ABED ALI
VILL-KAHITOLI
P.O.-HOLLOWKANDA
P.S.-BHURAGAON
DIST-MORIGAON
ASSA

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY TO THE GOVT.
OF ASSAM, SCHOOL EDUCATION (ELEMENTARY), ASSAM, DISPUR, GHY-
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2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA

3:THE DISTIRCT ELEMENTARY EDUCATION OFFICER
MORIGAON
DIST-MORIGAON
ASSAM

4:THE BLOCK ELEMENTARY EDUCATION OFFICER
LAHARIGHAT CENTRE
ASSAM

5:THE CLUSTER RESOURCE CENTRE COORDINATOR
TULSHIBORI

LAHARIGHAT

6:THE HEADMASTER
KAPURPOORA L.P. SCHOOL
ASSA

Advocate for the Petitioner : MR M H AHMED

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 10.01.2024

The petitioner by way of instituting the present petition has made a challenge to the constitution of the school managing committee with one Abdul Salam as the president by the District Elementary Officer vide communication dated 29.11.2023.

2. It is the case of the petitioner that the said constitution was not made in accordance with the provision of the Rules holding the field and the same was so made by the Headmaster by incorporating persons close to him in clear violation of the provision of Assam Right of Children to Free and Compulsory Education Rules, 2011.

3. The issue as arisen in the present proceeding would require a verification of the factual aspect involved and the same may not possible at this stage to be decided by way of directing the parties to file affidavits.

4. Accordingly, the petitioner is hereby directed to approach the Director of Elementary Education, Assam within 15 days from today by way of an appeal and therein take all grounds available to him with regard to the challenge made by him to the constitution of the school managing committee for Kapurpura L.P. School.

5. The Director of Elementary Education, Assam on receipt of the said appeal form the petitioner shall cause an enquiry into the allegation leveled by him therein and after hearing the petitioner as well as the school authorities and also the person who has now been appointed as

the President of the School Managing Committee of the school shall pass an order with regard to the validity of the School Managing Committee as constituted vide the communication dated 29.11.2023. The said exercise shall be completed within a period of two months from the date of receipt of the appeal along with the certified copy of this order.

6. It is stated that in the event the appeal is filed within a period of 15 days as directed hereinabove by the petitioner, the Director of Elementary Education, Assam shall direct the District Elementary Education Officer to monitor the activities of the said school managing committee, Kapurpura L.P. School and the school managing committee of Kapurpura L.P. School is directed that till disposal of the said appeal they shall not take any decision with regard to any aspect of the school without having the same approved by the District Elementary Education Officer, Morigaon.

7. With the above observation and direction, the writ petition stands disposed of.

JUDGE

Comparing Assistant