

GAHC010023852018



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

Case No. : WP(C)/651/2018

NO.122 RANGIRGHAT L.P. SCHOOL AND ANR.
TO BE REP. BY ITS HEAD MISTRESS/SECRETARY (ANAWARA BEGUM
LASKAR, AGED ABOUT 47 YRS.), VILL. RANGIRGHAT PART-II, P.O.
AMJURGHAT, P.S. SONAI, DIST. CACHAR, ASSAM.

2: THE SCHOOL MANAGING COMMITTEE (SMC)
NO.122 RANGIRGHAT L.P. SCHOOL
TO BE REP BY ITS PRESIDENT (RASNU BEGUM BARBHUIYA
AGED ABOUT 29 YEARS)
VILL. RANGIRGHAT PART-II
P.O. AMJURGHAT
P.S. SONAI
DIST. CACHAR
ASSAM.

3: ANAWARA BEGUM LASKAR

W/O. LUT AHMED BARBHUIYA
VILL. RANGIRGHAT PART-II
P.O. AMJURGHAT
P.S. SONAI
DIST. CACHAR
ASSAM.

4: RASNU BEGUM BARBHUIYA

W/O. NASIR UDDIN BARBHUIYA
VILL. RANGIRGHAT PART-II
P.O. AMJURGHAT
P.S. SONAI
DIST. CACHAR
ASSAM

VERSUS

THE STATE OF ASSAM AND ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, EDUCATION
(ELEMENTARY) DEPTT., DISPUR, GHY.

2:THE DIRECTOR OF ELEMENTARY EDUCATION

ASSAM
KAHILIPARA
GHY.

3:THE DIST. LEVEL COMMITTEE

TO BE REP. BY THE ADDL. DY. COMMISSIONER IN CHARGE EDUCATION
DEPTT.
CACHAR
P.O. AND P.S. SILCHAR
DIST. CACHAR
ASSAM

4:DTHE BLOCK LEVEL COMMITTEE

TO BE REP. BY THE DIST. ELEMENTARY EDUCATION OFFICER
CACHAR
P.O. AND P.S. SILCHAR
DIST. CACHAR
ASSAM

5:THE ADDL. CHIEF SECRETARY

TO THE GOVT. OF ASSAM ELEMENTARY EDUCATION DEPTT.
ASSAM
DISPUR
GHY.

6:THE PRINCIPAL SECRETARY

TO THE GOVT. OF ASSAM
SECONDARY EDUCATION DEPTT.
ASSAM
DISPUR
GHY.

7:THE DY. SECRETARY

TO THE GOVT. OF ASSAM
EDUCATION DEPTT.
DISPUR

GHY.

8:BLOCK ELEMENTARY EDUCATION OFFICER

SONAI EDUCATION BLOCK
P.O. AND P.S. SONAI
DIST. CACHAR
ASSAM

9:THE MOKBUL ALI AMAZUMDER M.E. SCHOOL

TO BE REP. BY ITS HEAD HEAD MASTER
VILL. RANGIRGHAT PART-II
P.O. AMJURGHAT
P.S. SONAI
DIST. CACHAR
ASSAM

Advocate for the Petitioner : MR. A M BARBHUIYA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 09.01.2024

Heard Mr. A.M. Barbhuya, learned counsel for the petitioner. Also heard Mr. A. Phukan, learned counsel for the respondents No.1, 2, 4, 5, 6, 7 and 8 and Ms. D. Das Barman, learned counsel for the respondent No.3.

2. The present proceeding has been instituted by the petitioner No.122 Rangirghat L.P. School against the order of amalgamation dated 19.12.2017 by which the petitioner No.1 school was amalgamated with Mokbul Ali Mazumder M.E. School. The said amalgamation was not accepted by the school managing committee and in the meeting convened on 03.02.2018, the amalgamation of the school in question was deprecated.

3. One of the grounds taken to challenge the said amalgamation was that in between two schools, there is a PWD road which has heavy traffic going through it and would cause danger to the students of the school, if they have to attend classes in the amalgamated school.

Secondly, it was also said that the said school in question is around 100 years old and in the event of amalgamation of the school it would lose its entity and rich history it has.

4. This Court in its order dated 12.02.2018 while issuing notice had stayed the notification dated 19.12.2017 with respect to the petitioner school. The said order continues to hold the field till date. The order of amalgamation reflects that in the event there is any grievance or any dispute is raised with regard to the amalgamation effected, the aggrieved parties to bring it to the notice of Director of Elementary Education, Assam for adjudication. Further the scheme under which the amalgamation are effected contained in the Office Memorandum dated 22.09.2016 and the Siksha Khetra Scheme in Clause 7 provides that any dispute arising out of an order of amalgamation, the aggrieved institute/public may prefer an appeal before the Government in the Elementary/Secondary Education as the case may be.

5. In view of the said position, the petitioner is hereby directed to prefer an appeal before the Secretary, Department of School Education, Assam and such appeal be routed through the Director of Elementary Education, Assam. The appeal be filed before the Director of Elementary Education, Assam within a period of 15 days from today. The Director of Elementary Education, Assam shall on receipt of the said appeal forward the same to the Secretary, Department of School Education. The Secretary, Department of School Education on receipt of the said appeal shall either himself consider the same or have the same placed before any other designated committee or authority if any such committee or authority exists. On final consideration of the appeal and after verifying the facts as stated therein, the appeal of the petitioner as submitted be disposed of by the Secretary to the Government of Assam, Department of School Education by way of a speaking order. Such speaking order be communicated to the Member Secretary School Managing Committee of No. 122 Rangirghat L.P. School forthwith. Till the process of considering the appeal and passing the speaking order as directed, the notification dated 19.12.2017 in respect of the petitioner school shall remain stayed.

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

JUDGE

Comparing Assistant