

GAHC010088222024



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

Case No. : WA/142/2024

ABDUR RAHIM
S/O SOBAN ALI, R/O VILL. HABI DONGRA P.O. HABI DONGRA P.S.
BAGHBOR DIST. BARPETA ASSAM, PIN-781306

VERSUS

1.THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
EDUCATION SECONDARY DISPUR ASSAM GUWAHATI-6

2:THE DIRECTOR OF SECONDARY EDUCATION ASSAM
KAHILIPARA GUWAHATI-19 ASSAM

3:THE DEPUTY COMMISSIONER BARPETA, ASSAM PIN-781301

4:THE INSPECTOR OF SCHOOLS
BARPETA DIST. CIRCLE, DIST. BARPETA ASSAM PIN-781301

5:THE PRINCIPAL
BAMUNDONGRA HS SCHOOL
VILL. AND P.O. BAMUNDONGRA DIST. BARPETA ASSAM
PIN-781308

6:AMINUL HOQUE
S/O SAH SULTAN
R/O VILL. BAMUNDONGRA P.O. BAMUNDONGRA
P.S. BAGHBOR DIST. BARPETA ASSAM PIN-78130

For the Appellant	: Mr. S.B. Laskar, Advocate.
	: Mr. A.H. Ahmed, Advocate.
	: Ms. D. Dutta, Advocate.
	: Mr. H. A. Laskar, Advocate.

For the Respondent(s) : Ms. A. Das, Standing Counsel, Secondary Education Department.
: Ms. S. Konwar, Junior Government Advocate, Assam.

– BEFORE –
HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

20.05.2024

(Vijay Bishnoi, CJ)

This writ appeal is filed by the appellant/writ petitioner being aggrieved with the order dated 02.04.2024 passed by the learned Single Judge in WP(C) No.6818/2022, whereby the writ petition filed by the appellant/writ petitioner has been dismissed.

The appellant/writ petitioner has preferred the writ petition being aggrieved with the appointment of respondent No.6 in the writ petition as the President of the School Management and Development Committee (SMDC) of Bamundongra Higher Secondary School.

The learned Single Judge, after scrutinizing the material available on record, has come to the conclusion that the respondent No.6 in the writ petition satisfies the criteria as mandated in the Notification dated 24.06.2016 for being nominated as the President of the SMDC concerned and the writ petitioner has failed to make out a case that the procedure laid down has not been followed in its letter and spirit. The learned Single Judge has also observed that the writ petitioner has not levelled any allegation of *mala fide* against the Deputy Commissioner and/or the Guardian Minister of the District. The learned Single has further observed that when the procedure laid down, has been followed and this Court while exercising power under Article 226 of the Constitution of India,

is not required to go into the merits of the decision and when the decision making process is not suffering from any procedural illegality, the same is not liable to be interfered with.

Learned counsel appearing for the appellant has failed to persuade us to take a different view. Hence, we do not find any merit in this writ appeal and accordingly, the same is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant