

GAHC010090672024



2024:GAU-AS:13138

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

Case No. : WP(C)/2465/2024

JAMAL
S/O BINESH, R/O HOLLOWKANDA, P.O.-HOLLOWKANDA, P.S.-
BHURAGAON, DIST- MORIGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, DEPARTMENT OF ELEMENTARY EDUCATION,
DISPUR, GUWAHATI-06

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

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
MORIGAON
ASSAM

4:THE BLOCK ELEMENTARY EDUCATION OFFICER
LAHARIGHAT
MORIGAON
ASSAM

5:SAMSUDDIN KARI
S/O LATE FAZAR ALI
R/O VILL- MAHMARI PATHER
P.O.-CHETUAIKHAITY
P.S.-LAHARIGHAT
DIST- MORIGAON
ASSAM

PIN-78212

Advocate for the Petitioner : MD. S HUDA, MR. KHAIRUL ISLAM,MR. N HOQUE,MR. Md. ARIF

Advocate for the Respondent : SC, ELEM. EDU,

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

13/09/2024

Heard Mr. S Huda, learned counsel for the petitioner and Mr. P K Bora, learned Standing counsel, Elementary Education Department for the respondent Nos. 1 to 4. Also heard Mr. A I Ali, learned counsel for the respondent No. 5.

2. The petitioner is aggrieved as the District Elementary Education Officer (DEEO, in short), Morigaon by order dated 12.02.2024 took over the activities of the School Managing Committee of Mahmari Pre-Senior Madrassa, renamed as Mahmari M.E. School till further order as the President of the SMC of the said M.E. School.

3. It is seen that in the writ petition preferred by the respondent No. 5, Samsuddin Kari, being WP(C) No. 377/2024 relating to the Presidentship of the School Managing Committee (SMC) of Mahmari M.E. School, erstwhile Mahmari Pre-Senior Madrassa, under Laharighat Education Block of Morigaon District that pertaining to non-consideration of his name for the President of SMC of the said M.E. School though he was elected for the said post, the Court in WP(C) No. 377/2024 by order dated 24.01.2024 directed that the said DEEO, Morigaon on receipt of the representation from said Samsuddin Kari (present respondent No. 5 and petitioner of WP(C) No. 377/2024) shall examine the matter and shall verify as to whether the SMC presently in office is discharging its duties in the manner required or not and, if not, then it shall take over the activities of the said SMC himself and run the affairs of the school till further orders of the Court.

4. Mr. Bora, learned Standing counsel, Elementary Education Department placed the communication dated 12.09.2024 of the Director of Elementary Education, Assam before the

Court and submitted that since a complaint was received from the respondent No. 5 at the stage of giving approval of the SMC of said Mahmari M.E. School as been proposed by the Block Elementary Education Officer (BEEO), Laharighat on 28.11.2023 that the proposer of the proposed SMC is not the parent/ guardian of the School, the matter was examined by the concerned DEEO, Morigaon and asked the Headmaster of the school to re-examine the proposal of the SMC. On such direction, the Headmaster of the said Mahmari M.E. School reported before the DEEO, Morigaon that the children of the proposer of the petitioner were not studying in the said school finding that the DEEO, Morigaon did not process with the recommendation forwarded by the BEEO, Laharighat with regard to the constitution of the SMC of said Mahmari M.E. School in its general meeting held on 28.10.2023. As such, pursuant to the order of the Court dated 24.01.2024 passed in WP(C) No. 377/2024, the DEEO, Morigaon took over the charge of SMC of the said Mahmari M.E. School which is still in force.

5. Considering the above, the Court of is of the opinion that the impugned order under Memo No. DEEO/MRG/WP(C) No. 377/2024/ 8003-07 dated 12.02.2024 of the District Elementary Education Officer, Morigaon does not call for any interference.

6. Consequently, the prayer of the petitioner made in this writ petition, being devoid of merit, stands rejected.

7. However, the petitioner may submit an appropriate representation before the District Elementary Education Officer, Morigaon at an early date, if so advised, giving the details of the children of his proposer who is studying in said Mahmari M.E. School under Laharighat Education Block of Morigaon District at the relevant time during the general meeting of the said Mahmari M.E. School that was held on 28.10.2023.

8. In the event of filing of such representation by the petitioner before the DEEO, Morigaon, the said authority shall consider the same along with the objection filed by the respondent No. 5 before the said authority.

9. In the event, it is found by the DEEO, Morigaon that the children of the proposer of the petitioner was studying in the said M.E. School at the relevant time, i.e., on 28.10.2023; the said authority shall pass necessary order in accordance with law pertaining to the constitution of the SMC of said Mahmari M.E. School as per the resolution adopted in the general meeting of the school held on 28.10.2023.

- 10.** Though, by order dated 11.09.2024 passed in WP(C) No. 2465/2024, the Court directed to list this matter today along with WP(C) No. 377/2024 and accordingly the correct file, i.e., WP(C) No. 2465/2024 along with WP(C) No. 377/2024 has been placed before the Court, however, in the cause list instead of WP(C) No. 2465/2024, it is shown as WP(C) No. 2645/2024.
- 11.** Registry shall accordingly issue a fresh cause list showing the correct case number, being WP(C) No. 2465/2024 along with WP(C) No. 377/2024.
- 12.** With the above observation and direction, this writ petition stands disposed of.

JUDGE

Comparing Assistant