

GAHC010110122024



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

Case No. : WA/185/2024

ASSAD ULLAH
S/O LATE SALAMAT ALI,
RESIDENT OF VILLAGE NO. 2, SONAPUR, PO SONAPUR PS BIHPURIA, DIST
LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, EDUCATION (SECONDARY) DEPARTMENT,
DISPUR, GUWAHATI-781006.

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019.

3:THE INSPECTOR OF SCHOOLS

LAKHIMPUR DISTRICT CIRCLE
NORTH LAKHIMPUR
DIST. LAKHIMPUR
ASSAM, PIN- 787001.

4:THE DEPUTY COMMISSIONER
LAKHIMPUR
P.O. NORTH LAKHIMPUR
DIST. LAKHIMPUR
ASSAM, PIN- 787001.

5:THE PRINCIPAL
SONAPUR MADRASSA H.S. SCHOOL
P.O. SONAPUR

DIST. LAKHIMPUR
ASSAM
PIN- 787054.

6:THE SCHOOL MANAGEMENT AND DEVELOPMENT COMMITTEE
OF SONAPUR MADRASSA H.S. SCHOOL
REPRESENTED BY ITS PRESIDENT
P.O. SONAPUR
DIST. LAKHIMPUR
ASSAM
PIN- 787054.

7:MIZANUR AHMED
S/O- YEAZUDDIN AHMED
VILL. NO. 1 SONAPUR
P.O. SONAPUR
DIST. LAKHIMPUR, ASSAM

8:MONSUR ALI
S/O- ABDUL KADIR
VILLAGE NO. 1 SONAPUR
P.O. SONAPUR
DIST. LAKHIMPUR
ASSA

For the petitioner/appellant(s) : Mr. L. Mohan, Advocate

For respondent(s) : Mr. R. Mazumdar, SC, Education
Ms. R.B. Bora, Jr. GA, Assam

– BEFORE –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE KARDAK ETE

21.08.2024

(Vijay Bishnoi, CJ)

This writ appeal is filed by the appellant being aggrieved with the order dated 01.05.2024, passed by the learned Single Judge in WP(C) No. 6050/2022, whereby the writ petition filed on behalf of the respondent No. 7 herein, namely, Mizanur

Ahmed and another has been allowed and the appointment of the appellant as President of the School Management and Development Committee (SMDC) of Sonapur Madrassa H.S. School, Lakhimpur, has been quashed and set aside.

In the impugned order, the learned Single Judge has observed that as per the Government Notification dated 27.06.2016, whereby selection criteria for selection of President and Vice-President of SMDC is prescribed and as per the same the Inspector of School is required to forward to the Director of Secondary Education, Assam, two names each for the posts of President and Vice-President after consultation with the Principal/Headmaster and the local residents/guardians of the students studying in the said school. The learned Single Judge has relied on the affidavit filed on behalf of the Principal of the said school and has come to the conclusion that the Inspector of School concerned has forwarded the name of the appellant for the post of President of the SMDC without consulting with the Principal as well as the guardians of the students studying in the said school.

Learned counsel appearing for the appellant has submitted that, as a matter of fact, though the appellant was impleaded as respondent No. 7 in the writ petition, notice of the writ petition was not served upon him, because in the notice his address was mentioned wrongly. It is contended that the learned Single Judge has allowed the writ petition filed on behalf of the respondent No. 7 herein without providing any opportunity of hearing to the appellant.

However, on a pointed query raised by this Court, the learned counsel for the appellant has failed to satisfy that the name of the appellant was forwarded by the Inspector of Schools after having consultation with the Principal of the school in question as well as the local people of the area concerned.

In such circumstances, we are of the opinion that when the criteria laid down by the State Government for the purpose of appointment of President of the SMDC was not strictly followed while appointing the appellant as President of the SMDC

concerned, no case for interference is made out.

Hence, this writ appeal is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant