

GAHC010125232024



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

Case No. : WP(C)/3236/2024

URIREI SINGH
W/O- N. GOBIN SINGH, R/O- PAILAPOOL, DIST. CACHAR, ASSAM, PIN-
788098.

VERSUS

THE INDIRA GANDHI NATIONAL OPEN UNIVERSITY AND 5 ORS
REPRESENTED BY ITS REGIONAL DIRECTOR, IGNOU REGIONAL CENTRE,
GMCH ROAD, CHRISTIAN BASTI, GUWAHATI-781005, ASSAM

2:THE STATE OF ASSAM
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT
OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GHY-06.

3:THE DEPUTY COMMISSIONER
CACHAR
DIST. CACHAR
SILCHAR
ASSAM
PIN- 788001.

4:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI-781019.

5:THE SUB-DIVISIONAL OFFICER (CIVIL)
LAKHIPUR
DIST. CACHAR

ASSAM
PIN- 788103.

6:PH. RUTH JOAN SINGHA
W/O- PH. MANIDHON SINGHA
R/O- VILL.- LALANG PART-I
PAILAPOOL
DIST. CACHAR
ASSAM
PIN- 788098

Advocate for the Petitioner : MR. M P SARMA

Advocate for the Respondent : GA, ASSAM

BEFORE
HON'BLE MR. JUSTICE LANUSUNGKUM JAMIR

26.06.2024

O R D E R

Heard Mr. M.P. Sharma, learned counsel for the petitioner. Also heard Mr. J. Handique, learned Standing Counsel, Revenue Department, Government of Assam, for respondent No.2; Ms. D.D. Barman, learned Additional Senior Government Advocate, Assam, for respondent Nos.3 and 5 and Ms. N. Phukan, learned Standing Counsel, Elementary Education Department, Government of Assam, for respondent No.4.

2. The petitioner is presently serving as Principal of Emmanuel English High School, Pailapool in the district of Cachar. The respondent No.6 is the daughter of the petitioner and she was also serving as Assistant Teacher of Emmanuel English High School, Pailapool.

3. The petitioner is aggrieved by the fact that the respondent No.6, who is her daughter, had resorted to falsehood to secure admission into the B. Ed course in

Indira Gandhi National Open University (IGNOU) for the year 2012 by misrepresenting that the respondent No.6 belongs to Non-Creamy Layer of Other Backward Classes (OBC) community.

4. It is the case of the petitioner that the Department of Personnel & Training (DoPT), Government of India by Office Memorandum, dated 14.10.2008, has laid down that son(s) and daughter(s) of persons belonging to Other Backward Classes and having gross annual income of Rs. 4.5 lakhs or above shall fall within the category of creamy layer.

5. It is the further case of the petitioner that the gross annual income of the petitioner for the year 2010-2011 and 2011-2012 is above the said limit and, therefore, her daughter/respondent No.6 will not be entitled to the relaxations granted to OBC community and, therefore, the OBC (NCL) certificate, which was submitted by the respondent No.6 for securing admission into B. Ed course conducted by the IGNOU, is a fake document. It is also the case of the petitioner that in view of the fake document submitted by respondent No.6 to secure her B. Ed course in the IGNOU, the same has an impact on the reputation of the petitioner as well as the petitioner's school.

6. The petitioner, therefore, made a representation before the Regional Director, IGNOU, Guwahati, Assam on 09.04.2024 disclosing the aforementioned facts and to take appropriate steps against her daughter/respondent No.6. The petitioner had also sent her representation through e-mail on 12.04.2024, 19.04.2024 and 07.05.2024.

7. The grievance of the petitioner is that the representation filed by the petitioner on 09.04.2024, is yet to be considered by the Regional Director, IGNOU/respondent No.1.

8. After hearing learned counsel for the parties, this writ petition is disposed of directing the respondent No.1 to consider the representation made by the petitioner on 09.04.2024 and dispose of the same by a speaking order and in accordance with law within a period of two months from the date of receipt of a copy of the order of this Court.

9. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant