

GAHC010145762024



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

Case No. : WP(C)/3741/2024

MONUARA BEGUM AND 8 ORS
W/O- ABDUL KALAM,
VILL. AND P.O.- PHALIHAMARI PATHER,
DIST.- MORIGAON (ASSAM).

2: DEBAJIT BHARALI
S/O- JITEN BHARALI
VILL- BOROLUA GAON
P.O.- TALUGAON
P.S.- AMGURI
DIST.- MORIGAON (ASSAM).

3: NURANI PARBIN
W/O- GIUS UDDIN
VILL. AND P.O.- PHALIHAMARI PATHER
DIST.- MORIGAON (ASSAM).

4: AMIRON NESSA
W/O- SULMAN ALI
VILL. AND P.O.- PHALIHAMARI PATHER
DIST.- MORIGAON (ASSAM).

5: HALIMA KHATUN
W/O- NEKBAR ALI
VILL. AND P.O.- PHALIHAMARI PATHER
DIST.- MORIGAON (ASSAM).

6: ZIBUN NAHER
W/O- KHAIRUL ISLAM
VILL. AND P.O.- PHALIHAMARI PATHER
DIST.- MORIGAON (ASSAM).

7: SAHABUL ISLAM
S/O- NOWSHER ALI

VILL. AND P.O.- PHALIHAMARI PATHER
DIST.- MORIGAON (ASSAM).

8: HUJERA KHATUN
W/O- HIBJUR RAHMAN
VILL. AND P.O.- PHALIHAMARI PATHER
DIST.- MORIGAON (ASSAM).

9: MARJINA BEGUM
W/O- SHAHJAHAN ALI
VILL. AND P.O.- PHALIHAMARI PATHER
DIST.- MORIGAON (ASSAM)

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
EDUCATION (ELEMENTARY) DEPARTMENT,
DISPUR, GUWAHATI-06.

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

3:THE ADDITIONAL DEPUTY COMMISSIONER (EDUCATION)
MORIGAON
PIN- 782105.

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
MORIGAON
PIN- 782105.

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
LAHORIGHAT
P.O.- LAHORIGHAT
DIST.- MORIGAON
ASSAM
PIN- 782127.

6:THE HEAD MASTER
PALIHAMARI PATHER M.V. SCHOOL

VILL. AND P.O.- PHAIHAMARI PATHER
DIST.- MORIGAON (ASSAM)
PIN- 782127.

7:JAMIR UDDIN
S/O- LATE RUSTOM ALI
VILL. AND P.O.- PHALIHAMARI PATHER
DIST.- MORIGAON (ASSAM)
PIN- 782127

Advocate for the Petitioner : M ALAMGEER, MR. A H M R CHOUDHURY

Advocate for the Respondent : SC, ELEM. EDU, GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 16.08.2024

1. Heard Mr. A. Alamgeer, learned counsel for the petitioners as well as Ms. S. Chutia, learned Standing counsel, Elementary Education Department, for respondent Nos. 1, 2, 4 & 5 and Mr. P. Saikia, learned Government Advocate, for respondent No. 3.

2. The case of the petitioners in the present writ petition is that the School Management Committee of Phalihamari Pather MV School consisting of 17 Members along with respondent No. 7 as President was given approval by the District Elementary Education Officer, Morigaon on 01.11.2023. Thereafter, 8 members of the SMC of the said school submitted No Confidence Application against the respondent No.7 / President of the School Management Committee of the said school before the Block Elementary Education Officer on 31.05.2024. However, as no steps were taken, 4 members of the School Management Committee submitted No Confidence Application against the President of the

School Management Committee on 19.06.2024 before the Additional Deputy Commissioner (Education), Morigaon.

3. Pursuant to the Application dated 19.06.2024, an inquiry was conducted and the Block Elementary Education Officer submitted the inquiry report before the District Elementary Education Officer, Morigaon by a Communication dated 02.07.2024.

4. The grievance of the petitioners before this Court is that despite the submission of the inquiry report by the Communication dated 02.07.2024 by the Block Elementary Education Officer, Laharighat, Morigain, no steps are being taken by the District Elementary Education Officer, Morigaon till date.

5. On 29.07.2024, Ms. S. Chutia, learned Standing counsel, Elementary Education Department was directed to take instructions.

6. Today when the matter is called up, Ms. S. Chutia, learned Standing counsel, Elementary Education Department, has furnished a Communication dated 14.08.2024 written by the District Elementary Education Officer, Morigaon, wherein it is stated that the District Elementary Education Officer has instructed the Block Elementary Education Officer, Laharighat to re-constitute the School Management Committee of Phalihamari Pather MV School by Communication dated 13.08.2024 as per Section 21 of the R.T.E. Act of 2009. The Communication further indicates that the B.E.E.O. has also been instructed to furnish a detailed report on the matter for taking further cause of action. Along with Communication dated 14.08.2024, another Communication dated 13.08.2024 is enclosed, which is the direction issued by the District Elementary Education Officer, Morigaon to the Block Elementary Education Officer, Laharighat.

7. Mr. A. Alamgeer, learned counsel for the petitioners, submits that as the District Elementary Education Officer has already given a direction to the Block Elementary Education Officer, Laharighat to re-constitute the School Management Committee of the Phalihamari Pather MV School, the present writ petition may be closed.

8. Recording the submission made by the learned counsel for the petitioner, this writ petition is accordingly closed.

9. The Communications dated 14.08.2024 and 13.08.2024 are placed on record.

JUDGE

Comparing Assistant