

GAHC010148292017



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

Case No. : WP(C)/7044/2017

MADANI NAGAR ARABIC COLLEGE and 2 ORS.
REP. BY ITS PRINCIPAL AND SECRETARY, VILL- NAYAPATAN, P.O-
BHANGABAZAR, P.S- BADARPUR, PIN- 789701, DIST- KARIMGANJ, ASSAM

2: ABDUL HAMID
VILL- HARINADIK
P.O- ALANGABAZAR
P.S- BADARPUR
PIN- 788801
DIST- KARIMGANJ
ASSAM

3: MD. ILIAS AHMED
S/O- LATE HAJI MAJAN MIA
VILL- NAYAPATAN
P.O- BHANGABAZAR
P.S- BADARPUR
PIN- 789701
DIST- KARIMGANJ
ASSAM

VERSUS

THE STATE OF ASSAM and 5 ORS.
REP. BY COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
SECONDARY EDUCATION DEPARTMENT, DISPUR, GHY- 06

2:THE DIRECTOR SECONDARY EDUCATION ASSAM
KAHILIPARA GHY- 19

3:THE CHAIRMAN
DISTRICT SCRUTINY COMMITTEE AND DEPUTY COMMISSIONER
KARIMGANJ DIST P.O- KARIMGANJ

4:THE MEMBER SECRETARY

DISTRICT SCRUTINY COMMITTEE AND INSPECTOR OF SCHOOLS
KARIMGANJ DIST CIRCLE P.O- KARIMGANJ 788701

5:MADANI NAGAR SENIOR MADRASSA
REP. BY ITS SUPERINTENDENT AND SECRETARY
VILL- PAHARTOL P.O- BAZARGHAT P.S- RATABARI
DIST- KARIMGANJ PIN- 788736 ASSAM

6:FAKHAR UDDIN S/O- LATE FAIZUL HAQUE
VILL- PASCHIM BALIA P.O- GULCHARA
P.S- NILAMBAZAR DIST- KARIMGAN PIN- 788736 ASSAM

Advocate for the Petitioner : MS.N THAPA

Advocate for the Respondent : SC, SECONDARY EDUCATION

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 09.01.2024

Heard Mr. B. Sinha, learned counsel, appearing on behalf of the petitioners.

Also heard Mr. U. Sarma, learned standing counsel, Secondary Education Department, appearing on behalf of respondents No. 1, 2 & 4; Ms. D. D. Barman, learned Addl. Senior Government Advocate, appearing on behalf of respondent No. 3; and Mr. T. U. Laskar, learned counsel, appearing on behalf of respondents No. 5 & 6.

The petitioners claiming to be the actual Madani Nagar Arabic College, represented by Md. Abdul Hamid and Md. Illias Ahmed, by way of instituting the present writ petition, have raised a grievance in the present proceeding with regard to the actions on the part of the State authorities in giving the benefits

due to the petitioners' College to the respondent No. 5's Madani Nagar Senior Madrassa having the same name by resorting to fraud by applying the documents of the petitioners' College in respect of the respondent No. 5's institution. The issues as arising in the present writ petition cannot be resolved by way of filing of the affidavits by the parties and there is a necessity of examination of witnesses as well as verifying the documents. In that view of the matter; the writ petition, in such matters, would not be the remedy to redress the grievances of the petitioners and respondent No. 5.

Accordingly, this writ petition is hereby disposed of by requiring the petitioner to institute appropriate proceedings before a competent civil Court/Educational Tribunal, to have the disputed facts involved in the present proceeding, decided.

The benefits purportedly given to the respondent No. 5 i.e. Madani Nagar Senior Madrassa shall be subject to the decision that may be arrived at in such proceeding which may be instituted by the petitioner before a Court of civil jurisdiction or Educational Tribunal having jurisdiction.

With the above observations, the writ petition stands disposed of.

JUDGE

Comparing Assistant