

GAHC010166912023



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

Case No. : WP(C)/4487/2023

KURBAN ALI L P SCHOOL AND ANR
REPRESENTED BY ITS GUARDIAN MEMBER MIJAJUR RAHMAN AGE 45
YEARS, S/O- SAMSUL HOQUE, VILLAGE- FARHADPUR, PO
BHANGABAZAR, PS BADARPUR, DIST.- KARIMGANJ, ASSAM

2: KAMRUL ISLAM
S/O- LATE MOTIUR RAHMAN
R/O- VILLAGE AND PO LAMAJUAR
PS BADARPUR
DIST.- KARIMGANJ
ASSA

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM, DEPTT. OF EDUCATION (ELEMENTARY) DISPUR, GUWAHATI-
06

2: THE DIRECTOR OF ELEMENTARY EDUCATION
KAHILIPARA
GUWAHATI-22

3: THE DISTRICT ELEMENTARY EDUCATION OFFICER
OF KARIMGANJ DISTRICT
DISTRICT CIRCLE
KARIMGANJ
PO
PS
DIST- KARIMGANJ
ASSAM
PIN- 788710

4: THE BLOCK ELEMENTARY EDUCATION OFFICER

BADARPUR BLOCK
PS- BADARPUR
DIST.- KARIMGANJ
ASSAM

5:MANAGING COMMITTEE OF THE 863 NO. MIRZAPUR GANGPAR LP
SCHOOL
REPRESENTED BY ITS PRESIDENT
VILLAGE- GANGPAR
PO- BHANGABAZAR
PS- BADARPUR
DIST.- KARIMGANJ
ASSA

Advocate for the Petitioner : MR H R CHOUDHURY

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 08.01.2024

The present petition has been instituted by the petitioners raising the grievance with regard to the amalgamation of Kurban Ali L.P. School with 863 No. Mirzapur Gangpar L.P. School vide notification dated 30.04.2022.

2. It is the contention of the petitioner that the said amalgamation was in clear violation of the provision of the Office Memorandum dated 22.09.2016. The school, i.e. Kurban Ali L.P. School had earlier instituted WP(C) 5138/2022 on the same issue and this Court vide order dated 08.08.2022 required the present petitioners to file an appeal before the Secretary, Elementary Education within 15 days thereof and the Secretary, Elementary Education was to consider and dispose of the same by way of a speaking order.

3. It is the contention of the petitioner that they had by registered post submitted an appeal before the Director of Elementary Education and thereafter a legal notice was sent to the Secretary on 28.04.2023.

4. In view of the above, this petition stands disposed of requiring the petitioner and the school management committee of Kurban Ali L.P. School as it stood before amalgamation to submit a detailed appeal before the Secretary, Department of School Education, Assam against the amalgamation of the school with 863 No. Mirzapur Gangpar L.P. School as effected vide notification dated 30.04.2022, within 15 days from today along with the certified copy of this order. The said appeal shall be submitted by the petitioner through the Director, Elementary Education, Assam. The Director Elementary Education on receipt the said appeal shall forward it to the Secretary, Department of School Education, Govt. of Assam for doing the needful.
5. The Secretary, Department of School Education shall on receipt of the appeal consider the same and if required by hearing the school management committee of the two schools involved dispose of the appeal by way of a speaking order.
6. The exercise as required to be done, shall be initiated and concluded with the issuance of a speaking order within a period of 3 (three) months from the date of the appeal is received by the Secretary, Department of School Education, Assam.
7. With the above observation and direction, the writ petition stands disposed of.

JUDGE

Comparing Assistant