

GAHC010180592024



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

Case No. : WP(C)/4479/2024

JAMIR UDDIN
SON OF RUSTOM ALI,
RESIDENT OF VILLAGE PHALIHAMARI PATHAR,
P.O.- PHALIHAMARI PATHAR,
DISTRICT- MORIGAON, ASSAM,
PIN- 782127.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM,
EDUCATION (ELEMENTARY) DEPARTMENT,
DISPUR, GUWAHATI- 781006.

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

3:THE DISTRICT COMMISSIONER (DC)
MORIGAON
DISTRICT- MORIGAON
ASSAM
PIN- 782105.

4:THE ADDITIONAL DISTRICT COMMISSIONER (EDUCATION) MORIGAON
ASSAM
PIN- 782105.

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER (DEEO)
MORIGAON

DISTRICT- MORIGAON
ASSAM
PIN- 782105.

6:THE BLOCK ELEMENTARY EDUCATION OFFICER (BEEO)
LAHARIGHAT EDUCATION BLOCK
P.O.- LAHARIGHAT
DISTRICT- MORIGAON

ASSAM
PIN- 782127.

7:THE HEADMASTER OF PHALIHAMARI PATHAR M.V. SCHOOL
P.O.- PHALIHAMARI
DISTRICT- MORIGAON

ASSAM
PIN- 782127

Advocate for the Petitioner : MR. B RAHMAN,

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

BEFORE

HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

13/09/2024

Heard Mr. T J Mahanta, learned Senior counsel assisted by Mr. B Ahmed, learned counsel for the petitioner and Ms. S Chutia, learned Standing counsel, Elementary Education Department for the respondent Nos. 1, 2, 5 & 6. Also heard Mr. G Pegu, learned Government Advocate, Assam for the respondent Nos. 3 & 4.

The petitioner is the President of the School Management Committee (SMC) of Phalihamari Pathar M.V. School under the Laharighat Education Block of District-Morigaon.

The District Elementary Education Officer, Morigaon by communication dated 13.08.2024 instructed the Block Elementary Education Officer, Laharighat to initiate a proceeding to remove the petitioner from the SMC of the said school as per Rule 5 of the Assam Right of Children to Free and Compulsory Education Rules, 2011 and to reconstitute the SMC of the said school as per Section 21 of the Rights of Children to Free and Compulsory Education Act, 2009. Aggrieved with the same, the

petitioner has filed this writ petition.

Ms. S Chutia, learned Standing counsel, Elementary Education Department submitted that pursuant to the order of the Court dated 03.09.2024, the District Elementary Education Officer, Morigaon has withdrawn the said communication dated 13.08.2024.

In view of the above, nothing survives to be adjudicated in this writ petition.

Accordingly, this writ petition, being infructuous, stands dismissed.

JUDGE

Comparing Assistant