

GAHC010195862024



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

Case No. : Cont.Cas(C)/515/2024

SHAHIDUL ISLAM
S/O- HUSSAIN ALI, R/O- LOCHANABARI, P.O. AND P.S. MOIRABARI, DIST.
MORIGAON, ASSAM

VERSUS
SURANJANA SENAPATI AND ANR
DIRECTOR, ELEMENTARY EDUCATION, KAHILIPARA, GUWAHATI-19.

2:DAYAKRISHNA GOGOI
DISTRICT ELEMENTARY EDUCATION OFFICER
MORIGAON
P.O. AND DIST. MORIGAON
PIN- 782105

Advocate for the Petitioner : MR B P BORAH, MR P J DUTTA, MR. A KHANDAKAR, MR J. B. CHOUDHURY

Advocate for the Respondent : ,

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 23.09.2024

Heard Mr. B. P. Borah, learned counsel for the petitioner.

By this application, the petitioner is alleging willful disobedience of the order dated 09.01.2024 passed by this Court in WP(C)/107/2024.

The operative portion of the order dated 09.01.2024 passed in WP(C)/107/2024 reads as under:

“5. In view of the said position, the writ petition is hereby disposed of requiring the Director of Elementary Education, Assam and the District Elementary Education Officer, Morigaon to take all appropriate steps for formation of the governing body of the school in question by strictly following the process mandated under the Assam Right to Education Rules, 2011 and the Right to Education Act, 2011.

6. However, it is provided that in the event the petitioner offers his candidature, his such candidature shall be accepted only in the event after a due enquiry the allegations leveled against him and contained in the complaint dated 25.10.2023 (Annexure-B to the writ petition) of having misappropriated a sum of Rs.18,700/- (Rupees eighteen thousand seven hundred only) pertaining to Mid-day Meal Scheme during his earlier tenure as President of the School Managing Committee of the school in question is duly examined and the petitioner is exonerated of the same. The said enquiry shall be conducted by the Director of Elementary Education, Assam or an authority specified by him/her.

7. Without such an enquiry being completed, the candidature of the petitioner for the post of President and/or Member of the School Managing Committee of the school in question shall not be entertained by the authorities.

8. With the above observation and direction, the writ petition stands disposed of.”

On a consideration of the directions passed by this Court in the order dated 09.01.2024, it appears that no time limit was fixed. Accordingly, this contempt petition is disposed of directing the respondents, particularly, the Director, Elementary Education Department and the District Elementary Education Officer, Morigaon to implement the directions passed by this Court within a

period of 1(one) month from the date of receipt of a copy of the order of this Court.

With the above directions, this writ petition stands disposed of.

JUDGE

Comparing Assistant