

GAHC010197662023



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

Case No. : WP(C)/5260/2023

THE PRESIDENT, THE SCHOOL MANAGING COMMITTEE OF MILAN
ADABARI M E SCHOOL AND ANR
VILLAGE- ADABARI, P.O. ADABARI, IN THE DISTRICT OF NALBARI,
REPRESENTED BY NAGEN KALITA, AGED 50 YEARS, SON OF LATE GAURI
KALITA, VILLAGE- ADABARI, P.O.- ADABARI, IN THE DISTRICT OF
NALBARI, ASSAM. PIN- 781314.

2: THE SECRETARY
THE SCHOOL MANAGING COMMITTEE OF MILAM ADABARI M.E.
SCHOOL
VILLAGE- ADABARI
P.O.- ADABARI
IN THE DISTRICT OF NALBARI
REPRESENTED BY ATIKUR RAHMAN
AGED 56 YEARS
VILLAGE- ADABARI
P.O.- ADABARI
IN THE DISTRICT OF NALBARI
ASSAM. PIN- 781126

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
ELEMENTARY EDUCATION DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:THE PRINCIPAL SECRETARY
GOVERNMENT OF ASSAM
SECONDARY EDUCATION DEPARTMENT
DISPUR
GUWAHATI- 781006.

3:THE DIRECTOR OF SECONDARY EDUCATION

KAHILIPARA
GUWAHATI- 781019
ASSAM.

4:THE DIRECTOR OF ELEMENTARY EDUCATION

KAHILIPARA
GUWAHATI- 781019
ASSAM.

5:THE INSPECTOR OF SCHOOLS

N.D.C.
NALBARI
DISTRICT- NALBARI
PIN- 781335
ASSAM.

6:DISTRICT ELEMENTARY OFFICER

NALBARI
DISTRICT- NALBARI
PIN- 781335
ASSAM

Advocate for the Petitioner : MR. R C SAIKIA

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR

ORDER

Date : 06.05.2024

Heard Mr. R.C. Saikia, learned counsel for the petitioners.

Also heard Mr. SMT Chistie, learned Standing counsel, School Education Department, for all the respondents.

The petitioners before this Court are the President and Secretary of the School Managing Committee of Milan Adabari M.E. School, village – Adabari,

Post Office – Adabari in the district of Nalbari. They are aggrieved with the order dated 24.07.2023, by which their school has been merged with the Pub-Barketri Milan Secondary School, pursuant to the Office Memorandum dated 03.08.2021 which provides the Siksha Khetra Scheme for amalgamation and merger of the schools.

It is the case of the petitioners that they have 187 Students and their school is not in the same campus with the Pub-Barkhetri Anchalik Girl's High School. Therefore, a challenge is made to the amalgamation on the aforesaid two grounds.

Clause-19 of the Office Memorandum dated 3rd August, 2021 provides that from any dispute arising out of an order issued by the Director, the aggrieved institution/public may appeal before the Government in the Secondary Education or Elementary Education Department as the case may be.

The petitioners have made representation praying for cancellation of the amalgamation order to the Director of Elementary Education Officer, Kahilipara, Guwahati on 17.08.2013.

However, on consideration of the representation, this Court is of the considered opinion that the representation is not in terms of Clause-19 of the O.M. dated 3rd August, 2021.

Accordingly, this writ petition is disposed of directing the petitioners to file an appeal in terms of Clause-19 of the O.M. dated 3rd August, 2021 before the Government in the Secondary Education or Elementary Education Department as the case may be, within a period of two weeks from today. Thereafter, on receipt of the appeal, the Government in the Secondary Education or Elementary Education Department shall dispose of the appeal in accordance

with law by a speaking order within a period of one month from the date of receipt of the appeal.

The interim order of status-quo passed on 13.09.2023 shall remain in force till the appeal is disposed of by the Government.

With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant