

GAHC010201782018



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

Case No. : Cont.Cas(C)/427/2018

SPECIAL RESIDENTIAL SCHOOL FOR HANDICAPPED CHILDREN AND
ANR.

KAHARA PATHAR, KAHARA PATHAR, P.O. SARUPETA, DISTRICT-
BARPETA, ASSAM, REPRESENTED BY ITS SECRETARY CUM
HEADMASTER.

2: MD. ABDUR RAHMAN CHOUDHURY
SECRETARY CUM HEADMASTER OF RESIDENTIAL SCHOOL FOR
HANDICAPPED CHILDREN
KAHARAPATHAR
P.O. SARUPETA
DIST. BARPETA
ASSAM
PIN- 781301

VERSUS

SANJIB KUMAR BHUYAN AND ANR.
THE DIRECTOR OF ELEMENTARY EDUCATION, ASSAM, KAHILIPARA, PIN-
781019.

2:HAREN HAJARIKA
THE DISTRICT- ELEMENTARY EDUCATION OFFICER
BARPETA
PIN- 781301
ASSAM.

3:SHRI PREETOM SAIKIA
IAS
THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
DEPARTMENT OF EDUCATION (ELEMENTARY)
DISPUR
GUWAHATI-0

For the Petitioner(s) : Ms. S.K. Medhi, Advocate

For the Respondent(s) : Mr. R. Mazumdar, Standing Counsel

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 13.12.2024

Heard Mr. S.K. Medhi, the learned counsel appearing on behalf of the petitioner and Mr. R. Mazumdar, the learned Standing Counsel appearing on behalf the School Education Department.

2. The instant contempt application has been filed alleging willful and deliberate violation to the order dated 05.12.2017 passed in WP(C) No. 2353/2012.

3. A perusal of the order so passed show that there was a direction issued to the District Elementary Education Officer, Barpeta in terms of the communication dated 19.06.2017 of the Director of Elementary Education to furnish his report before the Director of Elementary Education on or before 28.02.2018 and thereafter on the basis of such report, the District Elementary Education Officer, Barpeta, the District Elementary Education, Assam was directed to pass order with regard to the prayer of the petitioner made.

4. This Court has duly taken note of the affidavit filed by the respondent No. 2 wherein it has been mentioned that pursuant to the directions passed by this Court steps were taken by the District Elementary Education Officer, Barpeta to the Headmaster/Secretary of

the Special Residential School for Handicap for submitting the necessary particulars. However, the necessary particulars were not placed by the School in question which aspect was duly brought to the attention of the Director of Elementary Education by the communication dated 15.06.2019. The Director of Elementary Education thereupon has submitted a report to the Commissioner and Secretary of the Government of Assam, Elementary Education Department, requesting to issue necessary instructions in that regard as per Section 30 of the Act of 2006. It was further stated that the speaking order could not be passed as directed by this Court due to the fact that the petitioner's School have not submitted the required information in the prescribed form as required in the RTE Act, 2009.

5. From the above, it therefore shows that a case for willful and deliberate disobedience to the order passed by this Court is not made out, as the petitioner had not cooperated with the officials.

6. Accordingly, the contempt proceeding stands dropped.

JUDGE

Comparing Assistant