

GAHC010221112023



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

Case No. : WP(C)/5815/2023

AZMAL HOQUE
S/O HAYET ALI
VILL- KURIHAMARI
P.O. BHANGNAMARI, P.S. SIALMARI
DIST. NALBARI, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
ELEMENTARY EDUCATION DEPARTMENT, DISPUR, GUWAHATI-06.

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

3:THE DISTRICT COMMISSIONER NALBARI DIST. NALBARI ASSAM

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER NALBARI
DIST. NALBARI ASSAM

5:THE BLOCK ELEMENTARY EDUCATION OFFICER BARKHETRY
DIST. NALBARI ASSAM

6:THE HEAD MASTER MANTUR CHOPA LP SCHOOL KURIHAMARI
P.O. BHANGNAMARI P.S. SIALMARI DIST. NALBARI ASSAM

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : SC, ELEM. EDU

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

ORDER

Date : 08.01.2024

Heard Mr. R. Ali, learned counsel for the petitioner. Also heard Mr. A. Phukan, learned standing counsel, Elementary Education Department, appearing on behalf of respondents No. 1, 2, 4 & 5; and Mr. G. Pegu, learned Addl. Senior Government Advocate, appearing on behalf of respondent No. 3.

The petitioner who projects himself to be the President of the SMC of Mantur Chupa Kurihamari LP School, has instituted the present proceedings, raising a grievance with regard to non-implementation of the directives passed by the DEEO, Nalbari, vide his communication, dated 14.09.2023, wherein, the proposal to shift the said school to a location within 65 No. Kurihamari-Barsulia GP was approved. It is seen from the materials brought on record that while the petitioner in the present proceeding, claimed that the school must be shifted to Village No. 3 Barbala whereas there is a report that another section of people demanded to have the said school at Village No. 5 Barbala. It is also stated that both the Village No. 3 Barbala and Village No. 5 Barbala falls under 65 No. Kurihamari-Barsulia GP.

In view of the said position, this writ petition is hereby disposed of by directing the petitioner to prefer an appropriate representation before the Director, Elementary Education Department, giving complete justification about their claim to have the school in question established at Village No. 3 Barbala

under 65 No. Kurihamari-Barsulia GP.

The said representation be filed by the petitioner along with a certified copy of this order within a period of 15 days from today. On receipt of the same, the Director, Elementary Education Department, shall after causing a field verification through its departmental officers, pass a speaking order as to where the school i.e. Mantur Chupa Kurihamari LP School, should be established. The school accordingly shall function at the site, the Director, Elementary Education Department, after examination and verification, shall so decide. If the Director, Elementary Education Department, is of the opinion that the School Management Committee(SMC) of the said school is required to be given an opportunity of hearing, appropriate and due notice be given to the SMC of the school in question to make their submissions before the Director, Elementary Education Department, before a decision is taken.

With the above observations and directions, the writ petition stands disposed of at the motion stage itself.

JUDGE

Comparing Assistant