

GAHC010242832023



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

Case No. : WP(C)/6234/2023

FOKRUL ISLAM
SHAKIB AKHTAR (AGED ABOUT 5 YEARS)
REPRESENTED BY PETITIONER NO. 1,
VILLAGE- DATIALBORI,
P.O.- DATIALBORI,
P.S.- LAHARIGHAT,
DISTRICT- MORIGAON (ASSAM),
PIN- 782127.

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY COMMISSIONER AND SECRETARY (EDUCATION)
DEPARTMENT, GUWAHATI, ASSAM-06.

2:THE MISSION DIRECTOR SS
ASSAM KAHILIPARA GUWAHATI-19.

3:THE DISTRICT ELEMENTARY EDUCATION
ASSAM KAHILIPARA GUWAHATI-19.

4:THE DISTRICT MISSION CO-ORDINATOR SSA
MORIGAON

5:THE BLOCK ELEMENTARY EDUCATION OFFICER CUM BLOCK MISSION
CO-ORDINATOR LAHARIGHAT SSA MORIGAON.

6:THE HEAD TEACHER OF GORIBOR CHOR L.P.(E) SCHOOL
MORIGAON

Advocate for the Petitioner : MR MINTU SAIKIA

Advocate for the Respondent : SC, ELEM. EDU

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

ORDER

Date : 08.01.2024

Heard Mr. M. Saikia, learned counsel for the petitioner. Also heard Ms. S. Chutia, learned standing counsel, Elementary Education Department, appearing on behalf of the official respondents.

The petitioner who projects himself to be a parent of a student studying in Goribor Char L.P. School, has instituted the present proceedings, raising a grievance with regard to an order, dated 06.10.2023, passed by the DEEO, Morigaon, by which, the school was directed to be re-established at Sutiagoan Char. The Goribor LP School was initially functioning at an area which is covered by the 2nd Addition area of Orang National Park and accordingly, the said school was directed to be translocated to Hugaltoli vide order dated 11.09.2023. The petitioner claims that the said school was being established in Hugaltoli area when the order, dated 06.10.2023, came to be issued by which, it was again directed to be re-established at Sutiagaon Char.

In terms of the direction passed by this Court earlier, Ms. S. Chutia, learned standing counsel, Elementary Education Department, has placed before this Court, the instruction received by her. In terms of the instruction, it is stated that the school although was established at Hugaltoli Pam, there is another school existing nearby by the name Pachim Datialbori LP(E) and the establishment of Goribor LP School at Hugaltoli Pam, would have an effect on

the said school and on considering the matter, the school was directed to be shifted to Sutiagaon Char where there is no school existed. Accordingly, the order, dated 06.10.2023, was issued and the Goribor LP School was directed to be re-established at Sutiagaon Char.

On consideration of the materials placed on record, I am of the view that the direction for re-establishment of Goribor LP School at Sutiagaon Char for the reasons assigned and placed before me, I am satisfied that the same are germane to the issue involved. Further, the petitioner has failed to highlight what right of his has been infringed by the issuance of the order, dated 06.10.2023.

The writ petition accordingly stands dismissed. There shall be no order as to costs.

The copy of the order, dated 04.01.2024, as produced by Ms. S. Chutia, learned standing counsel, Elementary Education Department, shall be kept as a part of the record and marked as 'X' for identification.

JUDGE

Comparing Assistant