

GAHC010290312023



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

Case No. : WP(C)/7608/2023

FARUQUE AHMED LASKAR AND 6 ORS
S/O- LATE TAZAMUL ALI LASKAR,
VILL. BOKRIHAWOR PART-VI,
P.O.- KALINAGAR, P.S. PANCHGRAM,
DIST.- HAILAKANDI, ASSAM,
PIN- 788801.

2: KASHIM UDDIN BARBHUIYA
S/O- LATE MOIN UDDIN BARBHUIYA

VILL. BOKRIHAWOR PART-VII

P.O.- KALINAGAR
P.S. PANCHGRAM

DIST.- HAILAKANDI
ASSAM

PIN- 788801.

3: JAHIRUL ISLAM LASKAR
S/O- TAYAB ALI LASKAR

VILL. BOKRIHAWOR PART-VI

P.O.- KALINAGAR
P.S. PANCHGRAM

DIST.- HAILAKANDI
ASSAM

PIN- 788801.

4: BAHAR UDDIN BARBHUIYA

S/O- LATE KUTUB UDDIN BARBHUIYA

VILL. BOKRIHAWOR PART-VII

P.O.- KALINAGAR
P.S. PANCHGRAM

DIST.- HAILAKANDI
ASSAM

PIN- 788801.

5: ABU SAHID LASKAR
S/O- LATE ABDUL GAFUR LASKAR

VILL. BOKRIHAWOR PART-VI

P.O.- KALINAGAR
P.S. PANCHGRAM

DIST.- HAILAKANDI
ASSAM

PIN- 788801.

6: AFTAR UDDIN LASKAR
S/O- LATE ASHAB ALI LASKAR

VILL. BOKRIHAWOR PART-VI

P.O.- KALINAGAR
P.S. PANCHGRAM

DIST.- HAILAKANDI
ASSAM

PIN- 788801.

7: DILWAR HUSSAIN LASKAR
S/O. ABDUS SUKKUR LASKAR

VILL. BOKRIHAWOR PART-VI

P.O.- KALINAGAR
P.S. PANCHGRAM

DIST.- HAILAKANDI
ASSAM

PIN- 788801

VERSUS

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

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

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
HAILAKANDI
P.O. AND DIST.- HAILAKANDI
ASSAM

PIN- 788151.

4:THE BLOCK ELEMENTARY EDUCATION OFFICER
HAILAKANDI
DIST.- HAILAKANDI
ASSAM
PIN- 788151.

5:THE HEADMASTER
BAYERKANDI LP SCHOOL
VILL. BOKRIHAWOR PART-VI

P.O.- KALINAGAR
P.S. PANCHGRAM

DIST.- HAILAKANDI
ASSAM

PIN- 788801.

6:147 NO. BAYERPAR LP SCHOOL
VILL.- CHIPORSANGON PART-III

P.O.- CHIPORSANGON
P.S.- ALGAPUR
DIST.- HAILAKANDI
ASSAM PIN- 788801

Advocate for the Petitioner : MR. H A LASKAR

Advocate for the Respondent : SC, ELEM. EDU

BEFORE

HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

05.01.2024

None appears for the petitioners even on the second call. Heard Ms. S. Chutia, learned Standing Counsel, Elementary Education department.

The petitioners by way of instituting the present proceeding have assailed the order of amalgamation of Bayerkandi L.P. School with 147 Bayerpar L.P. School. The contention of the petitioners is that the said amalgamation as ordered vide Notification dated 21.03.2022 is in clear violation of the provisions of the Office Memorandum dated 03.08.2021 introducing Siksha Khetra- a scheme for amalgamation and merger of different schools in the State. The petitioners have, in terms of clause 19 of the said Office Memorandum dated 03.08.2021, preferred an appeal before the Secretary to the Government of Assam, Department of School Education. The said appeal as projected in the writ petition is still pending consideration.

In view of the said position and also considering the provisions of clause 19 of the Office Memorandum dated 03.08.2021, this writ petition stands disposed of directing the Secretary to the Government of Assam, Department of School Education to take on record the appeal preferred by the present petitioners on 13.09.2023 and on consideration of the contentions raised therein and on getting a field verification done, dispose of the said appeal by way of passing a speaking order within a period of 3 (three) months from the date of

receipt of a certified copy of this order.

The petitioners are required to submit a certified copy of this order before the Secretary to the Government of Assam, Department of School Education for consideration of the appeal.

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

JUDGE

Comparing Assistant