

GAHC010291062023



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

Case No. : WP(C)/7566/2023

1: ROHOMOT ALI @ NEYAMOT ALI AND ANR
S/O- LATE MANTAJ ALI, R/O- VILL. AND P.O.- GAMARIA,
P.S.- RAM KRISHNA NAGAR, DIST.- KARIMGANJ, ASSAM, PIN- 788166.

2: ALTAB UDDIN @ ALTAF UFFIN
S/O- LATE AKLACH ALI R/O- VILL. AND P.O.- GAMARIA
P.S.- RAM KRISHNA NAGAR DIST.- KARIMGANJ ASSAM PIN- 788166

VERSUS

1: THE STATE OF ASSAM AND 8 ORS REPRESENTED BY THE SECRETARY
TO THE GOVT. OF ASSAM, EDUCATION DEPARTMENT (ELEMENTARY),
DISPUR, GUWAHATI- 06.

2:THE MISSION DIRECTOR ASSAM SARBA SIKSHA ABHIYAN
KAHILIPARA GUWAHATI-19.

3:THE ADDL. DEPUTY COMMISSIONER
INCHARGE OF EDUCATION KARIMGANJ ASSAM PIN- 788710.

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
KARIMGANJ ASSAM PIN- 788710.

5:THE DEPUTY INSPECTOR OF SCHOOLS
KARIMGANJ ASSAM PIN- 788710.

6:THE BLOCK ELEMENTARY EDUCATION OFFICER/ MBC RAM KRISHNA
NAGAR EDUCATION BLOCK RAM KRISHNA NAGAR DIST.- KARIMGANJ
ASSAM PIN- 788724.

7:THE HEAD MASTER CUM SECRETARY OF 1293 NO. SUNAI CHERRA L.P.
SCHOOLS MANAGING COMMITTEE SITUATED AT VILL. AND P.O.-
GAMARIA P.S.- RAM KRISHNA NAGAR DIST.- KARIMGANJ ASSAM
PIN- 788166.

8:TAPAN CHANDRA DAS
TEACHER OF 1293 NO. SUNAI CHERRA L.P. SCHOOL
S/O- LATE MONORANJAN DAS R/O- VILL. AND P.O.- GAMARIA
P.S.- RAM KRISHNA NAGAR DIST.- KARIMGANJ ASSAM. PIN- 788166.

9:MIRJAN ALI
S/O- LATE FOYAJ ALI
R/O- VILL. AND P.O.- GAMARIA P.S.- RAM KRISHNA NAGAR
DIST.- KARIMGANJ ASSAM PIN- 788166

Advocate for the Petitioner : MR. M U MAHMUD

Advocate for the Respondent : SC, ELEM. EDU

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 18-01-2024

Heard Mr. M.U. Mahmud, learned counsel for the petitioners. Also heard Ms. S. Chutia, learned standing counsel, Education (Elementary) Department, representing the respondent Nos.1, 4, 5 & 6.

The petitioners, who claim to be the parents/ guardians of students studying in 1293 No. Sunai Cherra L.P. School, have instituted the present proceeding raising a grievance with regard to the process undertaken for constitution of the School Managing Committee of the said School.

It is the allegation of the petitioners that the process that was undertaken for constitution of the said School Managing Committee was in clear violation of the provisions available in this connection under Rule 13(3)(iii) of the Assam Right of Children to Free and Compulsory Education Rules, 2011. It is the further contention of the petitioners that the said School Managing Committee, which was purportedly formed in a meeting held on 30.11.2023, is yet to be approved by the departmental authorities.

Accordingly, without opining anything on the merits of the contentions raised by the petitioners, the writ petition is disposed of with a direction to the petitioners to submit a representation before the Director of Elementary Education, Assam highlighting the illegalities that exist with regard to constitution of the School Managing Committee for 1293 No. Sunai Cherra L.P. School. The Director, on receipt of such representation, shall cause an enquiry to be made into the allegations as levelled by the petitioners and after affording an opportunity of hearing to the petitioners and others who may be interested parties, would pass a reasoned order taking into account each and every allegations brought on record by the petitioners. The said exercise be completed within a period of 2(two) months from the date of receipt of a copy of the representation as required to be submitted by the petitioners along with a certified copy of this order. It is made clear that pending consideration of the representation submitted by the petitioners, the activities of the School Managing Committee of 1293 No. Sunai Cherra L.P. School shall be managed by the District Elementary Education Officer, Karimganj.

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

JUDGE

Comparing Assistant