

GAHC010292632023



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

Case No. : WP(C)/7575/2023

JOHIRUL ISLAM AND 9 ORS.
S/O- MAYEJ UDDIN, VILL.- KATHALDI PT-II, P.O. AND P.S. BILASIPARA,
DIST. DHUBRI, ASSAM, PIN- 783348.

2: SHAIDUL ISLAM
S/O- LATE HASEN ALI
VILL.- KATHALDI PT-I
P.O. AND P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN- 783348.

3: SEKENDER ALI
S/O- RAHAM ALI
VILL.- KATHALDI PT-II
P.O. AND P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN- 783348.

4: AMZAD ALI
S/O- MAHAMMAD ALI
VILL.- KATHALDI PT-I
P.O. AND P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN- 783348.

5: NUR HOSEN
S/O- ASORUDDIN
VILL.- KATHALDI PT-I
P.O. AND P.S. BILASIPARA
DIST. DHUBRI
ASSAM

PIN- 783348.

6: ALEF UDDIN
S/O- AJAHAR ALI
VILL.- KATHALDI PT-II
P.O. AND P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN- 783348.

7: ABU SAMA
S/O- ISAR UDDIN
VILL.- KATHALDI PT-II
P.O. AND P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN- 783348.

8: AFICHAH ALI
S/O- BOSIR UDDIN
VILL.- KATHALDI PT-I
P.O. AND P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN- 783348.

9: NUR ISLAM
S/O- MECHEH ALI
VILL.- KATHALDI PT-II
P.O. AND P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN- 783348.

10: BELLAL HUSSAIN
S/O- LATE PESHKAR ALI
VILL.- KATHALDI PT-I
P.O. AND P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN- 783348

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION, DISPUR, GHY-6.

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

3:THE DISTRICT COMMISSIONER
DHUBRI
ASSAM
PIN- 783301.

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER
DHUBRI
ASSAM
PIN- 783301.

5:THE BLOCK ELEMENTARY EDUCATION OFFICER
BILASIPARA
P.O. AND PS BILASIPARA
DIST. DHUBRI
ASSAM
PIN- 783348.

6:THE CLUSTER RESOURCE CENTRE CORDINATOR (CRCC)
OF 598 NO. GOALERCHAR L.P. SCHOOL.

7:SURMAN ALI AHMED
HEAD MASTER OF 598 NO. GOALERCHAR LP. SCHOOL

ILL.- KATHALDI PT-II
P.O. AND P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN- 783348.

8:BADSHA SK
S/O- LATE JABEL UDDINI
VILL.- KATHALDI PT-I
P.O. AND P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN- 783348

Advocate for the Petitioner : MD H R AHMED

Advocate for the Respondent : GA, ASSAM

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

ORDER

Date : 09.01.2024

Heard Mr. H.R. Ahmed, learned counsel for the petitioners.

2. The petitioners, by way of instituting the present proceedings have raised a grievance with regard to the constitution of a School Managing Committee in respect of 598 No. Goalerchar L.P. School and in this connection have assailed a communication dated 15.12.2023, issued by the Headmaster of the said school, by which a list of 12 (twelve) members were forwarded to the Block Elementary Education Officer for nomination as President, Vice President and other Members of the committee. It is stated in the bar that no such Committee has been approved till date. However, an apprehension has been expressed that the list could be approved and the said list has been prepared in clear violation of the procedure mandated under the Rules holding the field.

3. In view of the above, the petitioners are directed to approach the Director of Elementary Education, Assam by way of an appeal within 10 (ten) days from today raising their grievance with regard to the constitution of the School Managing Committee.

4. The Director of Elementary Education, Assam, on receipt of such appeal shall dispose of the same after hearing all the required parties by way of passing a speaking order dealing with all the contentions that may be raised.

5. Pending filing and disposal of the appeal as required above, the post of President of the School Managing Committee of the school in question shall be held by a person to be nominated by the Director of Elementary Education, Assam.

6. Till such time the appeal is filed and disposed of, no appointment of President and Secretary of the School Managing Committee of the school in question shall be effected.

7. With the above observation and direction, the writ petition stands disposed of.

JUDGE

Comparing Assistant