

GAHC010295622023



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

Case No. : WP(C)/125/2024

1: KHALIL HOQUE CHOUDHURY AND ANR
SON OF AHAMMAD ALI, RESIDENT OF BORILBANDHA, P.S. MOUZA
LAHARIGHAT, ASSAM, TITATOLA, MORIGAON, ASSAM, 782127

2: ABDUR RAHMAN
SON OF AJIMUDDIN VILLAGE- TITATOLA
MORIGAON ASSAM 78212

VERSUS

1: THE STATE OF ASSAM AND 7 ORS REPRESENTED BY COMMISSIONER
AND SECRETARY TO THE GOVERNMENT OF ASSAM, ELEMENTARY
EDUCATION DEPARTMENT, DISPUR, GUWAHATI- 781006, DIST.- KAMRUP
(M), ASSAM

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

3: THE DISTRICT ELEMENTARY EDUCATION OFFICER
MORIGAON RAJAGAON ASSAM 782105

4: THE BLOCK ELEMENTARY EDUCATION OFFICER (BEEO) VILLAGE-
MOHANARI PATHAR LAHORIGHAT MORIGAON PIN CODE- 782127 ASSAM

5: THE CLUSTER RESOURCE CENTER COORDINATOR MR. SAMIR UDDIN
PUB TITATOLA L.P SCHOOL MORIGAON ASSAM

6: THE SUB INSPECTOR OF SCHOOLS VILLAGE- MOHANARI PATHAR
LAHORIGHAT MORIGAON PIN- 782127 ASSAM

7: THE HEAD MISTRESS, PUB TITATOLA L.P. SCHOOL
MORIGAON ASSAM

8: IKRAMUL HUSSAIN (INCUMBENT PRESIDENT) OF SCHOOL MANAGING

COMMITTEE (SMC) OF PUB TITATOLA L.P. SCHOOL MORIGAON
ASSAM S/O- HUSSAIN ALI VILL- TITATALA P.O. BORIBANDHA P.S.
LAHARIGHAT WARD NO.2 DIST.- MORIGAON (ASSAM) PIN- 78212

Advocate for the Petitioner : MR P R SARMA

Advocate for the Respondent : SC, ELEM. EDU

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

ORDER

Date : 22-01-2024

Heard Mr. P.R. Sarma, learned counsel for the petitioners. Also heard Ms. S. Chutia, learned standing counsel, Education (Elementary) Department, representing the respondent Nos.1, 2, 3, 4 & 6.

The petitioner, by way of the present proceeding, has presented a challenge to the appointment of the respondent No.8 as the President of the School Managing Committee of Pub Titatola L.P. School, Morigaon. The petitioner has submitted that the process, by which the respondent No.8 was so appointed, was totally held in violation of the procedure mandated in this connection. It is the case of the petitioner that he was not given a fair consideration for having his case considered for the post of President of Pub Titatola L.P. School, Morigaon.

The issues as raised in the present proceeding are all disputed question of fact, which may not be possible to be adjudicated in a writ proceeding basing on the affidavits filed by the parties.

Accordingly, the petitioner is directed to submit a representation before the Director of Elementary Education, Assam, highlighting his grievances with regard to the process leading to the appointment of the President of the School Managing Committee of the School in question and also the

appointment of the respondent No.8 as the President of the School Managing Committee of the said School. The Director of Elementary Education, Assam, on receipt of the said representation, shall cause an enquiry to be made into the matter and thereafter upon hearing the parties, including the respondent No.8, shall pass a speaking order dealing with the grievances raised by the petitioner in his petition. The further process with regard to the holding of the post of President of the School Managing Committee of Pub Titatola L.P. School, Morigaon shall depend on the outcome of the enquiry directed to be carried out with regard to the grievances of the petitioner by the Director of Elementary Education, Assam. The Director of Elementary Education, Assam shall consider and dispose of the representation to be filed by the petitioner within a period of 3(three) months from the date of receipt of a copy of the said representation along with a certified copy of this order.

The petitioner, for taking the matter forward, shall submit his detailed representation along with a certified copy of this order before the Director of Elementary Education, Assam for complying with the directions made herein above in this order.

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

JUDGE

Comparing Assistant