GAHC010237402026

2026:GAU-AS:16569

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

Case No. : WP(C)/6114/2026

ABDUL KUDDUS MIAH
SON OF LATE HAZI MOFIZUDDIN AKAND, RESIDENT OF SIMULBARI,
AOLATOLI P.O. P.S. LAKHIPUR, DISTRICT GOALPARA, ASSAM PIN 783129

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, DEPARTMENT OF SCHOOL EDUCATION,
DISPUR, GUWAHATI, ASSAM, PIN 7810060

2:THE DIRECTOR OF SECONDARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI
ASSAM
PIN - 781019.

3:THE INSPECTOR OF SCHOOLS
GOALPARA DISTRICT CIRCLE (GDC)
GOALPARA
P.O.
P.S. DISTRICT GOALPARA
ASSAM
PIN - 783101.

4:MESERBHITA NASIRIA HS SCHOOL
REPRESENTED BY ITS HEADMASTER
P.O. MESERBHITA
DISTRICT GOALPARA
ASSAM

Advocate for the Petitioner : MR. N H BARBHUIYA, MS. N.A. LASKAR

Advocate for the Respondent : SC, ELEM. EDU,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 11.11.2026

Heard Mr. N.H. Barbhuiya, learned counsel for the petitioner; and Ms. P. Das, learned Standing Counsel, Secondary Education Department for the respondent nos. 1, 2 & 3.

2. The petitioner came to be appointed as the President of the School Management and Development Committee [SMDC], which is presently re-designated as School Management Committee [SMC], of Meserbhita Nasiria Higher Secondary School, District – Goalpara by an Order dated 16.12.2022 issued under the hand of the respondent no. 3. On 17.01.2023, the composition of the SMDC for Meserbhita Nasiria Higher Secondary School was approved by the respondent no. 3 with the petitioner as the President.

3. The petitioner has approached this Court by the present writ petition assailing a Notification dated 20.07.2026 of the Department of School Education, Government of Assam and an Order dated 05.09.2026 issued under the hand of the respondent no. 3.

4. By the Order dated 05.09.2026, the respondent no. 3 has directed for constitution of School Management Committees for a tenure of 2 [two] years across all Lower Primary Schools, Upper Primary Schools, High Schools and Higher Secondary Schools within Goalpara District. The Order dated 05.09.2026 has made reference to Section 21 of Right to Education Act, 2009, Chapter IV of the National Education Policy [NEP], 2020, Samagra Siksha 2.0 Framework and the Notification dated 20.07.2026.

5. The Notification dated 20.07.2026 has been issued by the Department of Education, Government of Assam notifying the norms for constitution as well as the roles and responsibilities of the SMCs in the Government/Provincialised of Lower Primary Schools,

Upper Primary Schools, High Schools and Higher Secondary Schools of Assam as per Section 21 of the Right of Children to Free and Compulsory Education Act, 2009 [RTE Act, for short] with provisions of National Education Policy, 2020 and Samagra Siksha 2.0 Framework.

6. Section 21 of the RTE Act has laid down that a school of the descriptions mentioned therein shall constitute a School Management Committee consisting of the elected representatives of the local authority, parents or guardians of children admitted in such school and teachers. It is further provided that at least three-fourth of members of such SMC shall be parents or guardians.

7. In exercise of powers conferred by Section 38 of the RTE Act, the State Government has framed a set of rules, namely, the Assam Right of Children to Free and Compulsory Education Rules, 2011 ['the RTE Rules, 2011', for short]. As per Rule 13[1][i], a SMC formed for a school would be permanent body. The President and the Members of the SMC shall have a term of three years. However, they shall continue to function beyond three years till the new President and the Members take over. Efforts should be made to form the new SMC one month before the expiry of the term of the SMC.

8. Thus, the RTE Rules has provided for a tenure of three years for the President of the SMC. The petitioner was appointed as the President of the SMC of Meserbhita Nasiria Higher Secondary School on 16.12.2022. The composition of the SMC was approved by the respondent no. 3 on 17.01.2023. It is, thus, evident that the petitioner has already completed the tenure of three years as President of the SMC.

9. No right of the petitioner is found to have been infringed by the Notification dated 20.07.2026 and the Order dated 05.09.2026. Therefore, this Court finds no merit to the challenge made by the petitioner to the Notification dated 20.07.2026 which is in supersession of all earlier notifications and Government orders, and the Order dated 05.09.2026.

10. By the Order dated 05.09.2026, constitution of the SMCs of all Lower Primary Schools,

Upper Primary Schools, High Schools and Higher Secondary Schools under Goalpara District have been ordered. By virtue of Rule 13[1][i] of the RTE Rules, the existing SMC would continue till constitution of the new SMCs despite expiry of their tenure of three years.

11. In view of the above, the writ petition stands dismissed. There shall, however, be no order is to cost.

JUDGE

Comparing Assistant