

WP(C) 3261/2007

BEFORE

HON'BLE JUSTICE AMITAVA ROY

Heard Mr. Roshid, learned Counsel for the petitioner and Mr. Mishra, learned Standing Counsel, Education Department.

As agreed to by the learned Counsels for the parties and in view of the relief prayed for I dispose of this petition at the motion stage. The facts essential for the disposal of the petition are that the Ramhari Char M.V. School as the petitioner contends was established in the year 1933 at Ramhari Char Part II, P.O. Ramhari Char, District-Goalpara and was provincialized in the same year. Because of frequent erosions caused by the nearby river, the school building had to be shifted from its original site initially to Tiapara Char and eventually found its location at Ramhari Char Part III, Zamadarpara. The school presently has students numbering 300. Being aggrieved by the order dated 4/6/2002 by the District Elementary Education Officer, Goalpara, ordering shifting of the School to its original site at Ramhari Char, the local public rose against the same and eventually by order dated 30/5/2002 of the said authority, the move was temporarily kept in abeyance till completion of the annual examination, 2002. Being still apprehensive, the President of the Managing Committee of the School filed a writ petition registered as WP(C) 6218/02 which was disposed of on 19/12/2006 directing the respondent authorities to consider the matter in its true perspective taking into account the pressing necessity convenience or inconvenience to the public. The petitioner has stated that even thereafter the Director of Elementary Education, Assam, who was supposed to take a decision on the issue has remained silent. His representation dated 18/6/2007 before the same authority also remains undisposed.

Mr. Roshid submits that this petition be disposed of with a direction to the aforementioned authority to consider and dispose of the issue before it after affording a reasonable opportunity of hearing to the petitioner.

Mr. Mishra has no objection to the course suggested.

After hearing the learned Counsels for the parties and on a consideration of the materials on record, I am of the view that it would meet the ends of justice if the petition is disposed of with a direction to the Director of Elementary Education, Assam, to pass final orders on the issue of shifting of school from its present site at Ramhari Char Part II so as to provide a quietus to the lingering controversy. Ordered accordingly. The exercise indicated hereinabove should be completed within a period of six weeks from the date of receipt of certified copy of this order. As any decision on the issue is likely to have a bearing on the interest of the local public, the said authority would extend an opportunity of hearing to the petitioner and others interested in the matter before taking a final decision. The petition stands closed in the above terms. No costs.