

GAHC010037742018



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

Case No. : WP(C) 1147/2018

1: SILAPATHAR TOWN L.P. SCHOOL
REP. BY SRI NANDESWAR KACHARI, PRESIDENT OF THE SCHOOL
MANAGING COMMITTEE, SILAPATHER L.P. SCHOOL, DHEMAJI, P.O.
SILAPATHER, DIST. DHEMAJI, ASSAM

VERSUS

1: THE STATE OF ASSAM AND 2 ORS.
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM,
SECONDARY EDUCATION DEPTT., DISPUR, GHY.

2: THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY.

3: THE DIST. ELEMENTARY EDUCATION OFFICER
DHEMAJI
P.O. AND DIST. DHEMAJI

Advocate for the Petitioner : DR. B AHMED

Advocate for the Respondent : SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

ORDER

Date : 28-02-2018

1. Heard Mr. N. Hoque, learned counsel for the petitioner. Also heard Mr. S. P.

Bhattachariya, learned standing counsel for the Secondary Education Department.

2. The petitioner is the President of the School Managing Committee of Silapather Nagar L.P. School. The said school was established in the year 1964 and it was provincialised in the year 1967. The present enrolment number of the school is 220.

3. In his writ petition, the petitioner is aggrieved by the notification dated 20.01.2018 by which Silapather Nagar L.P. School (Silapather Town L.P. School) at Gohaingaon has been amalgamated with Silapather Residential Higher Secondary School at Gohaingaon. The ground of assailing the said order of amalgamation is that both the schools are not located in the same campus and on the other hand, they are located at a distance of about 1200 meters. The amalgamation was done by the respondent authorities pursuant to a scheme under Siksha Khetra as notified in the Office Memorandum dated 31.07.2017, which provides that in the event of any dispute being raised out of order of amalgamation, the aggrieved institution or the public, may prefer an appeal before the Commissioner and Secretary to the Government of Assam in the Secondary Education Department, as the case may be.

4. The petitioner having raised a factual dispute it will more appropriate for the petitioner to prefer an appeal before Commissioner and Secretary to the Government Assam, Secondary Education Department for ventilating their grievances.

5. Accordingly, this writ petition is disposed of directing the petitioner to prefer an appeal before the Commissioner and Secretary to the Government of Assam in the Secondary Education Department.

6. Further the Commissioner upon the appeal being filed, shall consider and dispose of the same within a period of two months from the date of filing of the appeal.

In terms of the above, the writ petition is disposed of.

JUDGE

Comparing Assistant