

GAHC010131412022



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

Case No. : WP(C)/4468/2022

THE NEHRU JAYANTI L P SCHOOL AND ANR
REPRESENTED BY THE PRESIDENT OF THE SCHOOL MANAGING
COMMITTEE (SMC), NAMELY NOOR AFJAL, VILLAGE- DABAKA TOWN,
WARD NO. 5, P.O. AND P.S.- DABAKA, DIST- HOJAI, ASSAM, PIN- 782440.

2: NOOR AFJAL
THE PRESIDENT OF SMC OF NEHRU JAYANTI L.P. SCHOOL
SON OF LATE FARID ALI
VILLAGE- DABAKA TOWN
WARD NO. 5
P.O. AND P.S.- DABAKA
DIST.- HOJAI
ASSAM. PIN- 782440

VERSUS

THE STATE OF ASSAM AND 8 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, SECONDARY EDUCATION DEPARTMENT, DISPUR, GUWAHATI-
6.

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

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

4:THE ADDITIONAL DEPUTY COMMISSIONER (IN-CHARGE EDUCATION)
CUM CHAIRMAN
DISTRICT LEVEL COMMITTEE

HOJAI AT NAGAON
DIST- NAGAON
ASSAM.

5:THE DISTRICT ELEMENTARY EDUCATION OFFICER
NAGAON
DIST.- NAGAON
ASSAM.

6:THE INSPECTOR OF SCHOOLS
NDC
NAGAON
ASSAM.

7:THE BLOCK ELEMENTARY EDUCATION OFFICER

JUGIJAN
DIST.- HOJAI
ASSAM.

8:THE BLOCK ELEMENTARY EDUCATION OFFICER
KOTHIATOLI
DIST.- HOJAI
ASSAM.

9:THE DABAKA GIRLS HIGH SCHOOL
REPRESENTED BY ITS HEAD MISTRESS
VILLAGE- DABAKA TOWN
WARD NO. 5
P.O. AND P.S.- DABAKA
DIST.- HOJAI
ASSAM
PIN- 782440

Advocate for the Petitioner : MR. M U MAHMUD

Advocate for the Respondent : SC, SEC. EDU.

Linked Case : WP(C)/4505/2022

DABAKA BANGLA BIDYA NIKETAN M E SCHOOL AND ANR
REP. BY ITS SMC PRESIDENT
NAMELY SANJIB KUMAR SHILL

R/O-VILLAGE MIKIRATI HAWGAON

P.O AND P.S- DOBOKA

DIST- HOJAI
ASSAM
PIN-782440

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
DEPTT. OF SECONDARY EDUCATION
DISPUR
GUWAHATI-6

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

3:THE DIRECTOR
OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GUWAHATI
ASSAM
PIN-781019

4:THE ADDITIONAL DEPUTY COMMISSIONER
I/C EDUCATION CUM CHAIRMAN
DISTRICT LEVEL COMMITTEE

DIST- HOJAI
AT NAGAON
ASSAM

5:THE DIST. ELEMENTARY EDUCATION OFFICER

HOJAI ASSAM

6:THE INSPECTOR OF SCHOOLS
NDC
NAGAON
ASSAM

7:THE BLOCK ELEMENTARY EDUCATION OFFICER

DIST- HOJAI
ASSAM

Advocate for : MR. M U MAHMUD
Advocate for : SC
ELEM. EDU appearing for THE STATE OF ASSAM AND 6 ORS

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

30.06.2022

In WP(C) No. 4468/2022, heard Mr. M U Mahmud, learned counsel for the petitioners and Mr. S. M. T. Chistie, learned Standing counsel, Secondary Education Department for the respondent Nos. 1, 2 & 6. Also heard Ms. N Phukan, learned Standing counsel, Elementary Education Department, Assam for the respondent Nos. 3, 5, 7 & 8 and Ms. D Das Barman, learned Additional Senior Government Advocate, Assam for the respondent No.4.

In WP(C) No. 4505/2022, heard Mr. M U Mahmud, learned counsel for the petitioners and Mr. S. M. T. Chistie, learned Standing counsel, Secondary Education Department for the respondent Nos. 1, 2 & 6. Also heard Ms. N Phukan, learned Standing counsel, Elementary Education Department for the respondent Nos. 3, 5 & 7 and Ms. D Das Barman, learned Additional Senior Government Advocate, Assam for the respondent No. 4.

Pursuant to the Office Memorandum No. ASE.481/2016/164 dated 03.08.2021 of the State Government in the Secondary Education Department and as per the approval of the State Government in the Secondary Education Department under letter No. ASE.691/2021/122 dated 27.01.2022, the Director of Secondary Education, Assam by Order No. DSE/GIS/Amal/19/2021/53 dated 29.03.2022 amalgamated Nehru Jayanti Lower Primary School [involved in WP(C) No. 4468/2022] and Dabaka Bangla Bidyan M.E. School [involved in WP(C) No. 4505/2022] with Dabaka Girls High School, as the Base School in the district of Hojai under the "Siksha Khetra" Scheme of the State .

Being aggrieved with said amalgamation of their respective Schools with Dabaka Girls High School as the base school, the petitioners have preferred these writ petitions, praying amongst

others to set aside and quash the impugned amalgamation order dated 29.03.2022 issued by the Director, Secondary Education, Assam.

Clause 19 of the Office Memorandum of the State Government dated 03.08.2021 relating to the Scheme of "Siksha Khetra" provides as follows:-

"The Director concern will issue necessary order for amalgamation. For any disputes arising out of the order, the aggrieved Institution/public may appeal before the Government in the Secondary or Elementary Education Department as the case may be."

After hearing the learned counsels for the parties and considering the entire aspect of the matters, these writ petitions are disposed of at the motion stage itself, directing the petitioners to prefer their appeals individually before the Secretary to the Government of Assam in the Secondary Education Department on or before **30.07.2022** as provided under Clause 19 of said Office Memorandum dated 03.08.2021 along with a certified copy of this order and respective copy of their writ petition including the annexures appended thereto, obtaining necessary acknowledgment from the said authority in that regard.

In the event of filing individual appeals by the petitioners, as directed above, within the time so specified, the Secretary to the Government of Assam in the Secondary Education Department after giving an opportunity of hearing to the petitioners as well as (i) the concerned District Elementary Education Officer; (ii) the Inspector of Schools, Nagaon District Circle, Nagaon; (iii) the concerned Block Elementary Education Officer (iv) the authorities concerned of the respective Schools of the petitioners and (v) the authorities concerned of the Dabaka Girls High School, and considering all the relevant records of the concerned Blocks and District Level Committees relating to their recommendation regarding amalgamation of the schools of the petitioners with the Dabaka Girls High School as the base school, shall dispose of those appeals of the petitioners jointly within a period of 60 (sixty) days from the date of receipt of such appeals by the concerned authority, with a reasoned order, intimating the petitioners about the outcome of their said appeals.

Amalgamation of the schools of the petitioners, namely, Nehru Jayanti Lower Primary School [relating to WP(C) No. 4468/2022] and Dabaka Bangla Bidyan M.E. School [relating to WP(C) No. 4505/2022] with Dabaka Girls High School, as the Base School in the district of Hojai, in terms of the impugned order under No. DSE/GIS/Amal/19/2021/53 dated 29.03.2022 issued by

the Director of Secondary Education, Assam shall be subject to the outcome of those appeals of the petitioners to be considered and decided by the Secretary to the Government of Assam in the Secondary Education Department.

With the above direction and observation, both the writ petitions stands disposed of.

JUDGE

Comparing Assistant