

GAHC010008502026



2026:GAU-AS:4376

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

Case No. : Review.Pet./10/2026

THE CHITALMARI ME SCHOOL AND 2 ORS
REPRESENTED BY ITS HEAD MASTER CUM MEMBER SECRETARY OF THE
SMC/SMDC OF THE SAID SCHOOL, P.O. SAMARALI BAZAR, DIST. HOJAI,
ASSAM, PIN 782439

2: JAYNUL HOQUE BORBHUIYA

PRESIDENT OF SMC/SMD OF CHITALMARI M.E. SCHOOL
S/O SAMIR UDDIN BARBHUIYA
R/O VILL. SAMARALI BAZAR
P.S. MURAJHAR
DIST. HOJAI
ASSAM
PIN 782439

3: AHMED ALI

S/O LT. HAZI SAMAD ALI
R/O VILL. SAMARALI BAZAR
P.O. SAMARALI BAZAR
DIST. HOJAI
ASSAM
PIN 78243

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY, GOVT. OF BRASSAM, SECONDARY
EDUCATION DEPARTMENT, DISPUR, GUWAHATI-6.

2: THE SECY. TO THE GOVT. OF ASSAM

ELEMENTARY EDUCATION DEPTT.
DISPUR

GUWAHATI 6

3:THE DIRECTOR OF SECONDARY EDUCATION ASSAM

KAHILIPARA
GUWAHATI 19

4:THE DIST. ELEMENTARY EDUCATION OFFICER

HOJAI
DIST. HOJAI
ASSAM.

5:THE BLOCK ELEMENTARY EDUCATION OFFICER

LANKA
DIST. HOJAI
ASSAM.

6:THE CHITALMARI HIGH SCHOOL
REPRESENTED BY ITS HEAD MISTRESS CUM SECY.
P.O. SAMARALI BAZAR
DIST. HOJAI
ASSAM.

7:NILIMA SAIKIA

THE HEAD MISTRESS OF CHITALMARI HIGH SCHOOL
W/O ANWAR HUSSAIN TALUKDAR
R/O VILL. UTTAR SAMARALI
P.O. SAMARALI BAZAR
DIST. HOJAI
ASSAM
PIN 782439

8:HILLAL AHMED CHOUDHURY
ASSTT. TEACHER
SCIENCE
CHATALMARI HIGH SCHOOL
S/O NUR UDDIN CHOUDHURY
R/O VILL. AND P.O. SAMARALI BAZAR
DIST. HOJAI
ASSAM
PIN 782439

9:JAMAL AHMED

ASSTT. TEACHER

SCIENCE
CHITALMARI HIGH SCHOL
S/O LATE ABDUL KADIR
R/O VILL. DIGHALJAR
DIST. HOJAI
ASSAM
PIN 78243

Advocate for the Petitioner : MR. M U MAHMUD, V KHAKHALARY,MR S H MAHMUD

Advocate for the Respondent : SC, SEC. EDU., MR. N ISLAM(R8,9),R KHA(R8,9),MR. M I HUSSAIN(R8,9)

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

26.03.2026

Heard Mr. M. U. Mahmud, learned counsel appearing for the review petitioners. Also heard Mr. K. M. Hassan, learned counsel appearing for the respondent Nos. 8 and 9.

2. By filing the present review petition, the petitioners are seeking review of the judgment and order dated 01.11.2025 passed by this Court in WP(C) No. 6145/2025.

3. At the motion stage itself, this Court, on the basis of submissions made by the learned counsel for the writ petitioners/respondents herein as well as the Secondary and Elementary Education Departments, disposed of the writ petition by directing the respondent authorities to take appropriate steps for physical amalgamation of writ petitioner No. 1, namely Chitalmari High School, with respondent No. 7, namely Chitalmari ME School, i.e., review petitioner herein, in terms of the Government order dated

11.01.2018, within a period of four months from the date of receipt of the certified copy of the order.

4. Mr. M. U. Mahmud, learned counsel for the review petitioners submits that at the time of disposal of the writ petition, no notice had been issued to respondent No. 7 and, consequently, there was no representation on its behalf. It is contended that the order under review has been passed in the absence of respondent No. 7, whose rights stand directly affected by the directions issued. According to the learned counsel, this constitutes a material irregularity warranting review, as the Court failed to take note of the absence of a necessary party.

5. It is further submitted that under Clause 10 of the Office Memorandum dated 22.09.2016, only those ME Schools having poor enrolment, i.e., less than 15 students per class are liable to be merged with nearby High Schools. In the present case, respondent No. 7 had enrolment exceeding 100 students during the period from 2015 to 2017, as reflected in the chart annexed to the review petition.

6. *Per contra*, Mr. K. M. Hassan, learned counsel appearing for respondent Nos. 8 and 9/writ petitioners, submits that as per the Office Memorandum dated 22.09.2016, all schools situated within the same campus are required to be amalgamated with the highest level institution available therein. It is argued that where a High School is the highest institution in a campus, all subordinate institutions, including ME Schools, are to be amalgamated with such High School. On that basis, it is contended that since the petitioner High School and respondent No. 7 ME School are situated within the same campus,

amalgamation is justified.

7. Upon hearing the learned counsel for the parties and upon perusal of the materials on record, this Court finds that the judgment and order dated 01.11.2025 was passed at the motion stage without issuing notice to respondent No. 7, i.e., Chitalmari ME School. As a consequence, respondent No. 7 was deprived of an opportunity to place its case before this Court, despite the fact that the order directly affects its rights.

8. Such non-consideration of a necessary party constitutes a manifest error apparent on the face of the record, thereby attracting the jurisdiction of this Court to review its earlier order.

9. Accordingly, the judgment and order dated 01.11.2025 is hereby reviewed and set aside.

10. Hence, the review petition stands allowed and disposed of.

JUDGE

Comparing Assistant