

GAHC010013582024



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

Case No. : WP(C)/405/2024

MAZIDA KHATUN
W/O NUR HUSSAIN, R/O VILL-KADAMONI PATHAR, P.O.-KADAMONI, P.S.-
BATADRAVA, PIN-782122, DIST-NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION (ELEMENTARY) DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE DIRECTOR
ELEMENTARY EDUCATION DEPARTMENT
ASSAM
KAHILIPARA
GUWAHATI-19

3:THE DISTRICT ELEMENTARY EDUCATION OFFICER
NAGAON
ASSAM

4:THE BLOCK ELEMENTARY EDUCATION OFFICER
BATADRAVA
NAGAON
ASSAM

5:JAKIR HUSSAIN
S/O TAYAB ALI
R/O KADAMONI PATHAR
P.O.-KADAMONI
P.S.-BATADRAVA
PIN-782122

DIST- NAGAON
ASSA

Advocate for the Petitioner : MR. A SARMA

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 05-02-2024

Heard Mr. A. Sarma, learned counsel for the writ petitioner. Also heard Ms. S. Konwar, learned standing counsel, Elementary Education Department, Assam.

The writ petitioner has approached this Court by filing the instant writ petition challenging the appointment of the respondent No. 5 as the President of the Managing Committee of No. 1 Kadamani Pathar Balika Muktab, on the ground that the said respondent was not eligible under Rule 13(1)(ii)(b) of the Assam Right of Children to Free and Compulsory Education Rules, 2011 for being appointed as the President of the Managing Committee of the aforesaid school since he did not have any ward who was a student of the school.

Taking note of the grievance expressed in the writ petition, this Court had passed order dated 29-01-2024, requesting the learned departmental counsel to obtain preliminary instruction.

Today when the matter is called up, Ms. Konwar has produced written instruction and submits that the allegation made in the writ petition is correct. If that be so, this matter would call for deeper examination.

Issue notice of motion returnable in 06 weeks.

Since Ms Konwar has accepted notice on behalf of all the respondent Nos. 1 to 4, no formal notice is required to be sent to the said respondents.

Extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel within 03 days.

Petitioner to take steps for service of notice upon the respondent No. 5 by registered post with A/D.

Heard on the prayer of interim relief.

Having regard to the nature of controversy involved in this case, it is hereby provided that appointment of the respondent No. 5 as President of the Managing Committee shall remain suspended with immediate effect. The respondent No. 3 is directed to forthwith issue appropriate consequential notification to that effect.

JUDGE

GS

Comparing Assistant