

GAHC010021162024



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

Case No. : WP(C)/645/2024

THE SCHOOL MANAGING COMMITTEE, MARWARI HINDI HIGH SCHOOL
JHALUKPARA DIBRUGARH, REPRESENTED BY ITS SECRETARY, P.O.
DIBRUGARH, DISTRICT- DIBRUGARH, PIN- 786001

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, EDUCATION DEPARTMENT (SECONDARY), DISPUR,
GUWAHATI- 781006

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
EDUCATION DEPARTMENT (SECONDARY)
DISPUR
GUWAHATI- 781006

3:DIRECTOR OF SECONDARY EDUCATION
GOVERNMENT OF ASSAM
KAHILIPARA
GUWAHATI
PIN- 781019

4:THE INSPECTOR OF SCHOOLS
DIBRUGARH DISTRICT CIRCLE
DIBRUGARH
P.O. DIBRUGARH
DISTRICT- DIBRUGARH
ASSAM
PIN- 786001

5:SRI. ANAND KR. SAH
HEADMASTER-IN-CHARGE

MARWARI HINDI HIGH SCHOOL
JHALUKPARA
DIBRUGARH
P.O. DIBRUGARH
DIST.- DIBRUGARH
ASSAM
PIN- 786001
RESIDENTIAL ADDRESS- ROBINDRA NAGAR
BASBARI GAON
HIJUGURI
TINSUKIA
ASSAM
PIN- 78612

Advocate for the Petitioner : MR. S MITRA

Advocate for the Respondent : SC, SEC. EDU.

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 19.02.2024

Heard Mr. S. Mitra, learned counsel for the petitioner.

The writ petition is filed by the college committee challenging the order dated 18.03.2021, whereby one Sri Anand Kr. Sah has been allowed to hold the charge as the Headmaster In-Charge of the school in addition to his normal duty as an Assistant Teacher under FR-59(C) on the ground that the school being Minority institution, namely Marwari Hindi High School, Dibrugarh, the State has no authority to appoint any person as Headmaster In-Charge.

It is contended that the school managing committee has already appointed one Dr. Ram Niroj Singh an Assistant Teacher as Headmaster In-Charge and the same has been sent for approval by the government. Instead of approving the appointment of Dr. Ram Niroj Singh as appointed by the petitioner committee, the State respondents appointed Shri Anand Kr. Sah, which is not permissible as the school is minority run institution.

On a pointed query, Mr. S. Mitra, learned counsel could not point out any provision/OM/Guidelines by which any appointment of the teachers or In-Charge Headmaster requires

government approval.

Thus, on the next date fixed, Mr. S. Mitra, learned counsel shall place on record the provisions as mentioned above.

List the matter after two weeks.

JUDGE

Comparing Assistant