

GAHC010025182022



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

Case No. : WP(C)/932/2022

NURALOM SK AND ANR
S/O LT. NURUL ISLAM
VILL- BOYZERALGA PT.VIII
P.O. BONDIHANA
P.S. BILASIPARA
DIST. DHUBRI, ASSAM
PIN-783348

2: SOLEMAN SK.
S/OLT. JAMAL UDDIN SK.
VILL- BOYZERALGA PT.VIII
P.O. BONDIHANA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-78334

VERSUS

THE STATE OF ASSAM AND 24 ORS
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR,
GUWAHATI-06.

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM

EDUCATION (ELEMENTARY) DEPARTMENT
DISPUR
GUWAHATI-06.

3:THE DIRECTOR OF SECONDARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI-19

4:THE DISTRICT ELEMENTARY EDUCATION OFFICER

DHUBRI
ASSAM.

5:THE DEPUTY COMMISSIONER

DHUBRI
ASSAM.

6:THE ASSAM SARBA SIKSHA ABHIJAN MISSION

REP. BY MISSION DIRECTOR
SSA
ASSAM
KAHILIPARA
GUWAHATI-19.

7:THE DISTRICT MISSION COORDINATOR

SSA
DHUBRI
ASSAM.

8:THE BLOCK ELEMENTARY EDUCATION OFFICER
CUM-BLOCK MISSION COORDINATOR

BILASIPARA
DIST. DHUBRI
ASSAM
PIN-783348

9:THE CLUSTER RESOURCE CENTRE

BOYZERALGA
P.O. BONDIHANA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-783348

10:THE SCHOOL MANAGEMENT COMMITTEE

GOLAKATA CHAR L.P. SCHOOL
REP. BY THE MEMBER SECRETARY CUM-HEAD TEACHER OF GOLAKATA
CHAR L.P. SCHOOL
P.O. BONDIHANA P.S. BILASIPARA
DIST. DHUBRI

ASSAM
PIN-783348.

11:JAKIR HUSSAIN
S/O LT. AZAD ALI MONDAL
THE PRESIDENT SMC
GOLAKATA CHAR LP SCHOOL
VILL- GOLAKATA CHAR
P.O. BONDIHANA P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-783348

12:SOBIYA KHATUN
W/O SAJAHAN ALI MOLLAH
R/O VILL- BOYZERALGA PT. VIII
P.O. BONDIHANA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-783349

13:RAJ BHANU
W/O FULCHAN ALI
R/O VILL- BOYZERALGA PT. VIII
P.O. BONDIHANA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-783349

14:KOD BHANU
W/O SAHADAT ALI SK
R/O VILL- BOYZERALGA PT. VIII
P.O. BONDIHANA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-783349

15:MOMOTAZ BEGUM
W/O KHOLIL UDDIN MONDAL
R/O VILL- BOYZERALGA PT. VIII
P.O. BONDIHANA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
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16:SALEHA KHATUN
W/O KUDDUS ALI
R/O VILL- BOYZERALGA PT. VIII
P.O. BONDIHANA
P.S. BILASIPARA
DIST. DHUBRI
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17:KHODIJA KHATUN
C/O JAKIR HUSSAIN
R/O VILL- BOYZERALGA PT. VIII
P.O. BONDIHANA
P.S. BILASIPARA
DIST. DHUBRI
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18:AMBIYA KHATUN
W/O HAIBOR ALI
R/O VILL- BOYZERALGA PT. VIII
P.O. BONDIHANA
P.S. BILASIPARA
DIST. DHUBRI
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19:AZAD ALI
S/O LT. CHANDULLAH SARKAR
R/O VILL- BOYZERALGA PT. VIII
P.O. BONDIHANA
P.S. BILASIPARA
DIST. DHUBRI
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20:HAZRAT ALI
C/O JAKIR HUSSAIN
R/O VILL- BOYZERALGA PT. VIII
P.O. BONDIHANA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-783349

21:TAHAZ UDDIN
S/O LT. EKROM ALI

R/O VILL- BOYZERALGA PT. VIII
P.O. BONDIHANA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-783349

22:DILBOR HUSSAIN
S/O LT.NOSER ALI
R/O VILL- BOYZERALGA PT. VIII
P.O. BONDIHANA
P.S. BILASIPARA
DIST. DHUBRI
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23:SAHAR ALI
S/O ONAT ALI
R/O VILL- BOYZERALGA PT. VIII
P.O. BONDIHANA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-783349

24:ANJERA KHATUN
W/O HARAN ALI MONDAL
R/O VILL- BOYZERALGA PT. VIII
P.O. BONDIHANA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-783349

25:AZOM ALI
S/OLT. MAMUD ALI
R/O VILL- BOYZERALGA PT. VIII
P.O. BONDIHANA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN-78334

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**

ORDER

16.02.2022

Heard Mr. MU Mondal, learned counsel for the petitioners. Also heard Ms. DD Barman, learned counsel for the respondents No.1 and 5 being the Chief Secretary to the Government of Assam and the Deputy Commissioner, Dhubri respectively, Mr. A Phukan, learned counsel for the respondents No.2, 4 and 8 being the authorities in the Elementary Education Department and Ms. NM Sarma, learned counsel for the respondent No.3 being the authorities in the Secondary Education Department, Government of Assam as well as Mr. B Choudhury, learned counsel for the respondents No.6, 7 and 9 being the authorities under the SSA, Assam.

Issue notice, returnable by six weeks.

Extra copies of the writ petition be served on the learned counsel for the respondents as indicated above within three days.

Petitioners to take steps for service of notice on the respondents No.10 to 25 by registered post with A/D within three days.

The petitioners who are the parents/guardians of the students of Golakata Char LP School in the Dhubri district assails the order dated 23.09.2021 by which the School Management Committee was constituted on the ground that the respondent No.11 Jakir Hussain who was appointed as the President is not a parent/guardian of the students of the school, and, therefore is not entitled to be the President of the School Management Committee under the provisions of

Rule 13 (1)(b) of the Assam Right of Children to Free and Compulsory Education Rules 2011.

In view of the *prima facie* case being made out and considering the balance of convenience and irreparable loss that the petitioner may suffer, until further orders respondent No.11 Jakir Hussain shall not discharge the duties of the President of the School Management Committee of Golakata Char LP School in the Dhubri district. In the interim, it is also provided that the respondents may make alternative arrangement for discharging the duties of the President of the School Management Committee of the school concerned, if so advised.

List after six weeks.

JUDGE

Comparing Assistant