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

Case No. : WP(C)/2145/2025

FULBAR RAHMAN
S/O- LATE JALAL UDDIN, R/O- VILL- HALAPAKHRI, P.O.
BALADMARICHAR, DIST. GOALPARA, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, ELEMENTARY EDUCATION, DISPUR, GUWAHATI-6.

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

3:THE INSPECTOR OF SCHOOLS
GOALPARA DISTRICT CIRCLE
GOALPARA
PIN- 783101.

4:THE SCHOOL MANAGING COMMITTEE OF F.R. HIGH SCHOOL
RAKHYASINI REPRESENTED BY ITS PRESIDENT
P.O. BALADMARI
DIST. GOALPARA
ASSAM
PIN- 783121.

5:THE I/C HEAD MASTER CUM SECRETARY
F.R. HIGH SCHOOL
RAKHYASINI
P.O. BALADMARI
DIST. GOALPARA

ASSAM
PIN- 782131.

6:ABDUL BATEN
S/O- SHAMSHER MOULOBI
R/O- VILL.- MOILA PATHAR
P.O. BALADMARI
DIST. GOALPARA
ASSAM
PIN- 783102

Advocate for the Petitioner : MR. A R SIKDAR, MR. S I TALUKDAR,MS M SARMA

Advocate for the Respondent : SC, ELEM. EDU, SC, SEC. EDU.

BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN

ORDER

Date : 25.04.2025

Heard Mr. A.R. Sikdar, learned counsel for the petitioner. Also heard Ms. N.M. Sarma, learned Standing Counsel for the respondent Nos. 1, 2 and 3.

2. In this petition, under Article 226 of the Constitution of India, the petitioner has prayed for issuing direction to the respondent authorities to reinstate the petitioner in service as Headmaster of F.R. High School, Rakhyasini in the Goalpara district by setting aside the suspension order dated 25.04.2021, issued by the President, Managing Committee of F.R. School, and also to issue direction to the respondent authorities to constitute a fresh school managing committee.

3. Perused the petition and the documents placed on record.

4. Let notice be issued to the respondents, returnable in four weeks.

5. As Ms. Sarma, learned Standing Counsel appears on behalf of respondent

Nos. 1, 2 and 3, no formal notice is required to be issued to the said respondents. However, extra copies of the petition be furnished to her during the course of the day.

6. Steps be taken upon the respondent Nos. 4, 5 and 6 by way of registered post with A/D as well as by usual process within a week from today.

7. Mr. Sikdar, learned counsel for the petitioner submits that the petitioner has filed one representation to the Inspector of Schools, Goalpara on 24.01.2025 and the said representation is yet to be disposed of and therefore, Mr. Sikdar submits that a direction may be issued to the effect that pendency of this petition shall not be a bar for the respondent authorities to dispose of the representation, dated 24.01.2025.

8. Per contra, Ms. Sarma, learned Standing Counsel for the respondent Nos. 1, 2 and 3 has questioned the maintainability of this petition.

9. Taking note of the submissions of learned counsel for both the parties and also considering the facts and circumstances on the record, it is provided that pendency of this petition shall not be a bar for the respondent authorities to dispose of the representation dated 24.01.2025.

10. List after four weeks.

11. Further, the question regarding maintainability of this petition, is kept open.

JUDGE

Comparing Assistant