

GAHC010147962025



2025:GAU-AS:13151

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

Case No. : WP(C)/3881/2025

BADHAKARA SENIOR SECONDARY SCHOOL
REPRESENTED BY THE PRINCIPAL, SMT BORNALI HAZARIKA, AGE- 51
YEARS, DAUGHTER OF LATE SUKHEN HAZARIKA, VILLAGE-
MOIDAMIAH, P.O. MOIDAMIAH, P.S. LAKHIMPUR, DIST- LAKHIMPUR,
ASSAM, PIN-787032

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
EDUCATION (SECONDARY) DEPARTMENT, DISPUR, GUWAHATI

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

3:THE INSPECTOR OF SCHOOLS
LAKHIMPUR DISTRICT CIRCLE
DIST- LAKHIMPUR
ASSA

Advocate for the Petitioner : MR. P J SAIKIA, SR. ADV, MS. M K BROWN, MS M DAS

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

**BEFORE
HONOURABLE MR. JUSTICE ROBIN PHUKAN**

ORDER

24.09.2025

Heard Ms. M. K. Brown, learned counsel for the petitioner and Ms. D. Musahary, learned Standing Counsel for the Secondary Education Department.

2. The petitioner herein, is the Principal of Badhakara Senior Secondary School and he had filed this application for espousing the cause of the students, who are deprived of the financial benefit under the Scheme of "Mukhya Mantrir Nijut Moina Asoni"; though, all the girl students are eligible for receiving financial benefits under the said scheme.

3. Ms. Brown, learned counsel for the petitioner submits that the students of the petitioner's school are subjected to hostile discrimination and they are sought to be denied from receiving the financial benefits; and the name of the petitioner's school is not enrolled in Annexure-B, enclosed with the O.M., dated 19.07.2024. As the respondents have not published the name of the petitioner's school in said Annexure-B; although the application forms were distributed amongst the girl students, but their application forms have not been accepted till date, in spite of the criteria stated in the O.M., dated 19.07.2024, are fulfilled by the petitioner's school.

3.1 Ms. Brown also submits that the authority have no right to deny their legitimate scheme by imposing new criteria, which are not stated in the O.M., dated 19.07.2024.

3.2 Ms. Brown further submits that the respondent authorities had granted the benefits of the said scheme to other similarly situated students studying in

similar kind of venture educational institutions, operating under the supervision of the State authority; and such denial of legitimate claim of the students is arbitrary and illegal and therefore, it is contended to interfere with the same.

3.3 Ms. Brown has also produced an order of a Co-ordinate Bench of this Court, in WP(C) No. 3626/2025, dated 26.06.2025, wherein, this Court was pleased to dispose of the petition, by directing the petitioner to submit a concise representation before the Director of Secondary Education, Assam, i.e., the respondent No. 2, seeking enlistment for financial assistance in terms of the Office Memorandum, dated 19.07.2024; within a period of 10 (ten) days from that day. It was further directed that on receipt of application, the respondent No. 2 shall consider the same and pass appropriate order(s), within a period of 1 (one) month from the date of receipt of a certified copy of the order; and based upon the said order, she submits that the present petition may also be disposed of by granting similar relief to the petitioner.

4. Ms. Musahary, learned Standing Counsel for the respondent Nos. 1-3, submits that she has no objection if the present petition is disposed of by directing the petitioner to file one representation before the respondent authority and on such representation being filed, the authority will consider the same in accordance with law.

5. Having heard the submission of the learned counsel for both the parties, I have carefully gone through the petition and the documents placed on record and have also perused the order dated 26.06.2025, passed by a Co-ordinate Bench of this Court, in WP(C) No. 3626/2025.

6. Accordingly, taking note of the submissions of the learned counsel for both the parties, this Court is inclined to dispose of this petition, by directing the

petitioner to prefer a concise representation before the respondent No. 2, i.e., the Director of Secondary Education, Assam, seeking enlistment for financial assistance, in terms of the O.M., dated 19.07.2024.

7. Such representation shall be filed within a period of 10 (ten) days, by enclosing all the relevant documents, including a copy of the present writ petition; and on such representation being filed, the respondent No. 2 shall consider and dispose of the same by a speaking order, within a period of 1 (one) month from the date of receipt of certified copy of this order. The petitioner shall obtain a certified copy of this order and place the same before the respondent authority, within a period of 1 (one) week from today.

8. In terms of the above, this writ petition stands disposed of.

JUDGE

Comparing Assistant