

GAHC010247292023



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

Case No. : WP(C)/6611/2023

GOVERNING BODY OF MANGALDAI DEGREE GIRLS COLLEGE AND ANR
MANGALDAI DARANG, ASSAM, PIN-784125,
REP. BY THE SECRETARY,
GOVERNING BODY OF MANGALDAI DEGREE GIRLS COLLEGE

2: HIRANMAYEE DEVI
SECRETARY

GOVERNING BODY OF MANGALDAI DEGREE GIRLS COLLEGE

W/O- HIRON BEZBARUAH

WARD NO-10
COLLEGE ROAD

P.O AND P.S- MANGALDAI

DIST- DARANG
ASSAM

PIN-78412

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF SCHOOL EDUCATION (HIGHER), ASSAM
DISPUR, GUWAHATI-6

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

3:THE REGISTRAR
GAUHATI UNIVERSITY
GOPINATH BORDOLOI NAGAR
GUWAHATI-14

4:THE DEPUTY COMMISSIONER
MANGALDAI
DIST- DARRANG
ASSAM
PIN-784125

5:BASANTA DAS
MLA
MANGALDAI LAC

WARD NO-10
BHEBARGHAT
MANGALDAI TOWN

P.O AND P.S- MANGALDAI

DIST- DARRANG
ASSAM
PIN-784125

6:RINI HAZARIKA
ASSISTANT COMMISSIONER

DARRANG
ASSAM
PIN-784125

7:IHSANUL HUSSAIN
ASSISTANT COMMISSIONER

DARRANG
ASSAM
PIN-784125

8:DR. RUNUMI DEVI
W/O- NAREN SARMA

WARD NO-10
BHEBARGHAT CHOWK

MANGALDAI TOWN

P.O AND P.S- MANGALDAI

DIST- DARRANG
ASSAM
PIN-78412

Advocate for the Petitioner : MR. M BHAGABATI

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE K. SEMA**

ORDER

Date : --17.11.2023

Heard Mr. M. Bhagabati, learned counsel for the petitioners. Also heard Mr. S. Bhuyan, learned Standing Counsel appearing for respondent Nos. 1 & 2; Mr. P.J. Phukan, learned Standing Counsel for respondent No. 3 and Mr. P. Saikia, learned counsel for respondent No. 4.

The learned counsel for the petitioner shall serve requisite copies of the petition to the learned counsel for the respondents within 3 (three) days from today.

Insofar as the respondent Nos. 5,6,7 & 8 are concerned, the learned counsel for the petitioner shall take steps for service of notice by registered post with A/D within 3 days from today.

In the present petition the petitioner has impugned the Minutes of the Meeting dated 08.08.2023 which was Chaired by the District Commissioner, Darrang.

The resolutions adopted in the meeting dated 08.08.2023 are as follows :-

- 1. Shifting of Mangaldai Degree Girls' College campus to the existing campus of Mangaldai Collegiate High School. As per amalgamation order no. DSE/GIS/Amal/429/2022/71 Dated 15.07.2023 received from the Director, Secondary Education, Kahilipara, Mangaldai Collegiate High School, is to amalgamate with Mangaldai Girls' Sr. Secondary School, considering it as base school. The Chair directed the Principal, Mangaldai Girls' Sr. Secondary School to complete the amalgamation process at the earliest.*
- 2. The Chair also directed the members of the so called Governing Body present to comply with the financial anomalies enquiry report received from the Director of Financial Inspections, Assam, Guwahati-6 with immediate effect.*
- 3. The Hon'ble MLA, Mangaldai LAC proposed that the Mangaldai Degree Girls' College may be converted to a co-educational institution so that students, who are deprived from getting admission in nearby colleges may be considered for admission in this institution.*
- 4. As per The Assam Provincialised Colleges and Assam Non-Government College Management Rules, 2001, point no. 4 and 5, the Chair decided to take over the administrative authority of the college by appointing an Executive Magistrate as administrator until further arrangement is made by issuing a Speaking Order in this regard. Further, to look after the day-to-day activities of the college, a Principal I/C to be appointed (on temporary basis) until further order. Till then both the so called old*

and new Governing Body of the college stands dissolved. The Chair will communicate with the authorities of Higher Education Department in this regard before issuing a Speaking Order.

5. As informed by the so called members of the Governing Body a court case has been filed at the Mangaldai Civil Court by few members alleging that the working Governing Body is illegal. They agreed to withdraw the case filed if and only if the Chair takes over the administrative authority of the College.

It is the case of the petitioner that the shifting of the petitioners girls college to the existing campus of Mangaldai Collegiate High School is practically impossible and further the amalgamation order dated 15.07.2023 issued by the Director, Secondary Education, Kahilipara, Assam has no application to the petitioners College. The issue requires further consideration.

On the next date filed, the learned counsel for the respondent No. 4 shall come with necessary instruction justifying the minutes of the meeting dated 08.08.2023.

The Meeting Minutes dated 08.08.2023 shall remain suspended till further orders insofar as it concerns the petitioners college.

The name of Mr. P.J. Phukan, learned Standing Counsel for the Gauhati University shall be shown in the cause list.

JUDGE

Comparing Assistant