

GAHC010010002024



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

Case No. : WP(C)/298/2024

1. NAME OF PETITIONER NO. 1 STANDS DELETED AS PER HON'BLE COURT ORDER DATED 22.01.2024, PASSED IN THE INSTANT WP(C) NO. 298/2014(D/O)

2: NAME OF PETITIONER NO. 2 STANDS DELETED AS PER HON'BLE COURT ORDER DATED 22.01.2024, PASSED IN THE INSTANT WP(C) NO. 298/2014(D/O)

3: ABDUL KADDUS,
S/O IYASIN ALI,
R/O VILL-SONAPUR, P.O.-BALIKURI, P.S.-KALGACHIA,
DIST- BARPETA, ASSAM, PIN-781319.

4: NAME OF PETITIONER NO. 4 STANDS DELETED AS PER HON'BLE COURT ORDER DATED 22.01.2024, PASSED IN THE INSTANT WP(C) NO. 298/2014(D/O)

5: NAME OF PETITIONER NO. 5 STANDS DELETED AS PER HON'BLE COURT ORDER DATED 22.01.2024, PASSED IN THE INSTANT WP(C) NO. 298/2014(D/O)

---VERSUS---

1. THE STATE OF ASSAM,
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, SECONDARY EDUCATION DEPARTMENT, DISPUR, GUWAHATI-6.

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

3:THE INSPECTOR OF SCHOOLS,
BARPETA DISTRICT CIRCLE, BARPETA,
DIST- BARPETA, ASSAM, PIN-781301.

4:THE DEPUTY COMMISSIONER, BARPETA,
DIST-BARPETA, ASSAM, PIN-781301.

5:THE HEAD MASTER,
BALIKURI ANCHALIK HIGH SCHOOL,
P.O.-BALIKURI, DIST-BARPETA, ASSAM, PIN-781319.

6:MAZEDUL ISLAM @ MAZIDUL ISLAM,
S/O RAHMATULLAH,
R/O VILL-BALIKURI K, P.O.-BALIKURI,
DIST-BARPETA, ASSAM, PIN-78131

Advocate for the Petitioner : MD. S ALOM

Advocate for the Respondent : SC, SEC. EDU.

-BEFORE-

HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

22.01.2024

Heard Md. S. Alom, learned counsel for the petitioners. Also heard Mr. S.M.T. Chistie, learned Standing Counsel, Secondary Education Department and Mr. B. Deuri, learned Government Advocate, Assam.

Md. S. Alom, learned counsel submits that the present writ petition be limited to the petitioner No.3 only and the Court may be pleased to delete the petitioner Nos.1, 2, 4 and 5 from the array of list of petitioners.

The prayer is accepted.

The names of petitioner Nos.1, 2, 4 and 5 stands deleted.

The writ petition is limited to the petitioner No.3, i.e. Abdul Kaddus only.

The petitioner has, by way of instituting the present writ petition, raised a grievance with regard to the selection and appointment of the respondent No.6 as the President of School Management and Development Committee (SMDC) of Balikuri Anchalik High School vide order dated 24.08.2022.

It is the submission of the learned counsel for the petitioner that the said respondent No.6 is not a suitable person for being appointed as the President of the SMDC of the school in question inasmuch as there was a criminal case pending against him, being Barpeta P.S. Case No.1851/2021, wherein after investigation, the Investigating Officer has already submitted the charge-sheet before the Hon'ble Chief Judicial Magistrate, Barpeta and the said matter is stated to be pending trial as on date.

The petitioner also by drawing the attention to the various representations made by the Headmaster of the school in question and also others have stated that due to the inaction on the part of the respondent No.6, the students of the school in question are suffering on account of not being able to have access to the Mid Day Meal Scheme.

In this connection, the learned counsel for the petitioner has drawn my attention to a representation made by certain individuals before the Director of Secondary Education, Assam, highlighting the illegalities committed by the respondent No.6 and consequential difficulties faced by the students of the school in question. The said representation is stated to be pending.

In view of above, the petitioner, Md. Abdul Kaddus, is required to file a detailed representation highlighting the illegalities/irregularities in the appointment of the respondent No.6 as the President of SMDC of the school in question along with the consequential difficulties faced by his ward and the

other students of the school before the Director of Secondary Education, Assam within a period of 15 (fifteen) days from today along with a certified copy of this order.

The Director of Secondary Education, Assam, on receipt of the representation to be submitted by the petitioner, shall consider the same along with the representation available at Annexure 11 to the writ petition and would cause an enquiry into the allegations so made. Thereafter, the Director, Secondary Education, Assam, after giving a due hearing to the petitioner herein as well as the persons submitting the representation available at Annexure-11 to the writ petition and also to the respondent No.6 and the school authorities and the Headmaster In-charge of the school in question, shall come to a conclusion with regard to each of the allegations levelled against the respondent No.6.

In the event the allegations levelled against the respondent No.6 are substantiated, the Director of Secondary Education, Assam shall require the concerned authorities to take appropriate steps to have the post of President of SMDC of the school in question to be filled up through a fresh process.

Pending disposal of the representations noted above and the enquiry required to be done, on a preliminary examination of the allegations levelled against the respondent No.6, the same are found to be *prima-facie* correct, the Director of Secondary Education, Assam shall require the Inspector of Schools, Barpeta to take over the charge of the SMDC of the School and do all required works as required to be done by the SMDC so as to ensure that the students of the school in question are not deprived from their dues and are also not discriminated in the matter of distribution of Mid Day Meal Scheme.

The aforesaid exercise be initiated and completed within a period of 2(two)

months from the date of receipt of the representation from the petitioner along a certified copy of this order.

The conclusions that may be arrived at shall be communicated to the petitioner, respondent No.6 as well as the Headmaster of the school in question by way of a speaking order and the speaking order must also cover each and every allegation that has been raised against the respondent No.6 in the matter.

With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant