

Misc. (j) 01/18

27-11-2018

Parties are duly represented through their Id. counsels.

Today is fixed for necessary order on petition no. 189(A) dated 04-05-2017 filed by the petitioner/plaintiff u/o 39 R- 1&2 of CPC praying for granting ad- interim temporary injunction and to restrain the O.P.s from provincialisation of the newly constructed LP School till disposal of the main suit.

Case of the petitioner as reflected in the petition is that, the petitioner is the founder Head Teacher of Paschim Kahibari LP School which was established in the year 1990. As per the request of the villagers of Paschim Kahibari and Kahibari, the petitioner started the LP school namely, Paschim Kahibari LP School for the education of the children of the locality. The petitioner also donated 01 Bigha of land under Dag no. 9 of K.P. patta no. 3 of village Kahibari under Pub-Baksa Mouza for the Paschim Kahibari LP School in the year 1990. The villagers constructed a house of school on the aforesaid plot of land and thus, the Paschim Kahibari LP School came into being. The students of that locality got admitted in the school and the school was duly inspected by the Block Elementary Officer, Tamulpur. The villagers of Kahibari and Paschim Kahibari village formed a School Managing Committee for smooth running of the school. The Managing Committee also appointed one Sanatan Singha as Asstt. Teacher in the year 2000.

The petitioner further stated that all of a sudden the O.P. no. 9 opened another school with the same name and style in another plot of land in order to take Govt. grant and the O.P. 9 became the Headmaster of the said newly opened school. The school of the petitioner fulfills all the steps for provincialisation and is getting Govt. grant from time to time. The petitioner was illegally removed by the O.P. no. 9 with the help of some ill-motivated persons. They have also removed the earlier Managing Committee. The petitioner filed writ petition no. 3059/2014 before the Hon'ble Gauhati High Court and the Hon'ble Gauhati High Court vide order dated 24-10-2016 disposed of aforesaid writ petition. The petitioner duly filed up the form of DISE before the BEEO, Tamulpur for better information and then BEEO cum D.I. of school accepted the said DISE and accordingly recorded the name of the school in the list of venture school. The BEEO cum D.I. of schools malafide has given chance to the O.P. no-9 to use the said DISE in the name of newly constructed school L.P. school in the new side upon separate dag and patta. The D.I. of schools might have used the DISE in the school situated in the old side. The BEEO cum D.I. of schools didn't pay any heed regarding manipulation of DISE. Hence, the petitioner has prayed for granting ad-interim injunction restraining the O.P.s, their agents, or associates and representatives to interfere with the petitioner's right to enjoyment as Head Teacher in Paschim Kahibari L.P. School, restraining the O.P. no-9 so that he cannot use the DISE code belongs to the petitioner's school etc. The petitioner's also