

GAHC010029322024



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

Case No. : WP(C)/830/2024

NAZRUL ISLAM
S/O FAYAJ ALI VILL PASCHIM SAMARALI P.O. CHOUDHURY BAZAR P.S.
MURAJHAR DIST. HOJAI ASSAM PIN 782439

VERSUS

THE STATE OF ASSAM AND 12 ORS
THROUGH THE COMMISSIONER AND SECRETARY TO THE GOVT OF
ASSAM HOME DEPTT DISPUR GUWAHATI 6

2:THE DIRECTOR GENERAL OF POLICE ASSAM
ULUBARI GUWAHATI 7

3:THE BLOCK ELEMENTARY EDUCATION OFFICER LANKA
O.O. LANKA DIST. HOJAI ASSAM PIN 782446

4:THE SUPERINTENDANT OF POLICE HOJAI
AT SANKARDEV NAGAR P.O. SANKARDEVNAGAR DIST HOJAI ASSAM
PIN 782440

5:THE OFFICER IN CHARGE
MURAJHAR POLICE STATION P.O. MURAJHAR DIST. HOJAI ASSAM PIN
782439

6:ABDULAH AHMED
HEAD MASTER OF SONAI BIBI L P SCHOOL S/O LT FORMUZ ALI VILL
PASCHIM SAMARALI P.O. CHOUDHURY BAZAR PS MURAJHAR DIST
HOJAI ASSAM PIN 782439

7:SHAMUS UDDIN
CRCC SAMARALI CLUSTER C/O BLOCK ELEMENTARY EDUCATION
OFFICER LANKA DIST. HOJAI ASSAM PIN 782446

8:MITHULAL SARKAR
ASSISTANT TEACHER OF PUB SAMARALI LP SCHOOL C/O BLOCK
ELEMENTARY EDUCATION OFFICER LANKA DIST. HOJAI ASSAM PIN 782446

9:ANOWAR HUSSAIN CHOUDHURY
ASSISTANT TEACHER OF PUB KASIMIYA L P SCHOOL C/O BLOCK
ELEMENTARY EDUCATION OFFICER LANKA DIST HOJAI ASSAM PIN
782446

10:HELAL UDDIN CHUDHURY
BSC TEACHER OF CHITOLMARI HIGH SCHOOL P.O. CHOUDHURY BAZAR
P.S. MURAJHAR DIST HOJAI ASSAM PIN 782439

11:JAMAL UDDIN
ASSISTANT TEACHER OF KAKI ME SCHOOL C/O BLOCK ELEMENTARY
EDUCATION OFFICER LANKA DIST HOJAI ASSAM PIN 782446

12:PHULESWAR NANISA
BLOCK ELEMENTARY EDUCATION OFFICER LANKA P.O. LANKA DIST.
HOJAI ASSAM PIN 78244

Advocate for the Petitioner : MR. R ALI

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

13-03-2024

Heard Shri R. Ali, learned counsel for the petitioner. Also heard Ms. M. Barman, the learned State Counsel as well as Ms. B. Deka, learned Standing Counsel, Elementary Education Department.

Considering the subject matter, the writ petition is taken up for disposal at the motion stage.

The petitioner claims to be an inhabitant of the district of Hojai under the jurisdiction of the Murajhar Police Station. He also claims to be a guardian of a student of Sunai Bibi L.P. School.

The petitioner is the Ex-President of the School Managing Committee (SMC) of the said School. It is the contention of the petitioner that a new School Managing Committee was constituted on 17.10.2023 without following the due procedure and the petitioner was not even aware of such constitution. The petitioner has also alleged gross irregularities and illegalities committed by the new committee in which regard, he has lodged an Ejahar on 14.12.2023. The grievance of the petitioner that no action has been taken on the said FIR.

Ms. Barman, the learned State Counsel as well as Ms. Deka, the learned Standing Counsel, Education Department have however resisted the case by contending that issues regarding inaction of the police, non-registration and lack of proper investigation would not come within the ambit of a Writ Court unless and until an exceptional case is made out. Reference has been made to the case of the Hon'ble Supreme Court in the case of ***Sakiri Basu Vs State of UP & ors.*** reported in ***2008 (2) SCC 409.***

The Hon'ble Supreme Court in the said case has discouraged entertaining of writ petitions pertaining to issues of non-registrations of FIRs as well as lack of proper investigation as the Cr.PC. is a self-contained code giving remedies in such eventualities. This Court has also noticed that no exceptional case has been made out which may require intervention of a writ Court.

In view of the above, the writ petition is held to be devoid of any merits and accordingly dismissed.

JUDGE

Comparing Assistant