

GAHC010096282024



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

Case No. : WP(C)/2575/2024

ANJAN KUMAR DAS
SON OF LATE BONGSHI RAM DAS, RESIDENT OF B.G. COLONY,
PRAGJYOTISH NAGAR, P.O. MALIGAON, P.S. JALUKBARI, GUWAHATI-
781011, DISTRICT- KAMRUP (M), ASSAM, FATHER AND NATURAL
GUARDIAN OF MS. HIMLINA DAS (MINOR DAUGHTER)

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, EDUCATION,
GOVT. OF ASSAM, DISPUR, GUWAHATI- 781006

2:ST. MARYS SENIOR SECONDARY SCHOOL
MALIGAON
GUWAHATI- 781011
ASSAM
REPRESENTED BY THE PRINCIPAL

3:THE CENTRAL BOARD OF SECONDARY EDUCATION
REPRESENTED BY SECRETARY
SIKSHA BHAVAN
PANJABARI
GUWAHAT

Advocate for the Petitioner : MS. B CHOUDHURY

Advocate for the Respondent : SC, SEC. EDU.

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

ORDER

17.05.2024.

Heard Ms. B Choudhury, learned counsel for the petitioner. Also heard Shri U Sarma, learned counsel for the respondent no. 1 as well as Shri D Bora, learned counsel for the respondent no. 3.

2. The facts projected are that the minor daughter, Ms. Himlina Das of the petitioner is a student of Class-XI in the Humanities Section of the St. Mary's Secondary School, Maligaon (hereinafter called as School).

3. The aforesaid daughter had appeared in Class-XI Annual Examination in March, 2024. However, on announcement of the result, she has been shown to have been detained for not scoring the required marks in two subjects.

4. Ms. Choudhury, learned counsel for the petitioner has submitted that the matter for promoting students to Class-XII is entirely within the domain of the School and in this regard, representation was submitted followed by a legal notice.

5. On a specific query made by this Court on the aspect applying for any re-evaluation, the learned counsel for the petitioner could not reply the same in the affirmative.

6. A High Court under Article 226 of the Constitution of India would issue prerogative writs in extra-ordinary circumstances. The decision to detain a

student on failing in two subjects is that of the School and unless, an exceptional case is made out, this Court would not entertain such writ petition. Apart from the fact that such an approach would lead to open the floodgates, this Court does not see any legal right involved of the petitioner, more so when no application for review of the marks was made.

7. The writ petition is accordingly dismissed.

JUDGE

Comparing Assistant