

GAHC010118962024



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

Case No. : WA/196/2024

ANJAN KUMAR DAS
S/O LATE BONGSHI RAM DAS
RESIDENT OF B.G COLONY, PRAGJYOTISH NAGAR ,PO MALIGAON, PS
JALUKBARI, GUWAHATI 781011 DIST 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

For applicant(s)/appellant(s) : Mr. P. Choudhury, Advocate

For respondent(s) : Mr. R. Borah, Advocate
Mr. N. J. Khataniar, Advocate

– BEFORE –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI

HON'BLE MR. JUSTICE KARDAK ETE

15.07.2024

(Vijay Bishnoi, CJ)

Heard the learned counsel appearing for the parties.

The present intra-court appeal is filed by the appellant being aggrieved with the order dated 17.05.2024, passed by the learned Single Judge in WP(C) No. 2575/2024, whereby the writ petition filed by the appellant has been dismissed.

The appellant approached the writ court being aggrieved with the action of the respondent school of not promoting his daughter to the next class, who appeared in Class-XI Annual Examination in Humanities Section. The learned Single Judge has held that the High Court under Article 226 of the Constitution of India would issue prerogative writs in extra-ordinary circumstances. It is further observed that 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. The learned Single Judge has not found any exceptional case in the writ petition and therefore has refused to interfere in the matter.

Having heard the learned counsel for the parties and after going through the material available on record, we do not find any illegality in the impugned order passed by the learned Single Judge.

Hence, the writ appeal is dismissed.

JUDGE

CHIEF JUSTICE

Comparing Assistant