

GAHC010173452016



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

Case No. : WP(C)/5421/2016

DISTRICT SPECIAL RESIDENTIAL SCHOOL and ANR.
FOR HANDICAPPED CHILDREN, DARRANG, REP. BY THE HEADMASTER-
CUM-SECRETARY OF THE SCHOOL, P.O. and P.S. DHULA, DIST. DARRANG,
ASSAM.

2: ABDUL MANNAN CHOUDHURY
HEADMASTER CUM SECRETARY
S/O. LT. IDRISH ALI
DIST. SPL. RESIDENTIAL SCHOOL FOR HANDICAPPED CHILDREN
HIRAPARA
P.O. and P.S. DHULA
DIST. DARRANG
ASSAM

VERSUS

THE STATE OF ASSAM AND 11 ORS
REP. BY THE COMM. and SECY. TO THE GOVT. OF ASSAM, EDUCATION
ELEMENTARY DEPTT., DISPUR, GHY.-06.

2: THE COMMISSIONER and SECY.
HOME DEPTT.
DISPUR GHY.-06.

3: THE DIRECTOR
ELEMENTARY EDUCATION
ASSAM KAHILIPARA
GHY.-781019.

4: THE DIST. ELEMENTARY EDU. OFFICER
DARRANG
MANGALDOI
ASSAM.

5:THE DY. INSPECTOR OF SCHOOLS
MANGALDOI
ASSAM.

6:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
SOCIAL WELFARE DEPTT.
DISPUR
GHY.-06.

7:THE DIRECTOR
SOCIAL WELFARE DEPTT.
ASSAM
UZANBAZAR
GHY.-01.

8:THE DIST. SOCIAL WELFARE OFFICER
DARRANG
ASSAM.

9:THE DEPUTY COMMISSIONER
DIST. DARRANG
MANGALDOI
ASSAM.

10:THE SUPDT. OF POLICE

DIST. DARRANG
MANGALDOI
ASSAM.

11:THE OFFICER IN CHARGE
DHULA POLICE STATION
DIST. DARRANG
ASSAM.

12:DHULA REGIONAL PHYSICALLY HANDICAPPED DEV. ASSOCIATION
REP. BY THE PRESIDENT CUM SECRETARY
VILL. HIRAPARA
P.O. and P.S. DHULA
DIST. DARRANG
ASSAM
PIN-784146

Advocate for the Petitioner : MS.B DEVI, MS.K D SARMAH,MR.R SARMA

Advocate for the Respondent : MR.C GOSWAMI R- 12, GA, ASSAM,MR.N CHAKRABORTY(R-12),SC, ELEMENTARY EDUCATION,SC, SOCIAL WELFARE

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 16.09.2024

No one appears on behalf of the petitioners on call. Ms. U. Das, learned counsel appears for the respondent Nos. 2, 6, 7, 8, 9, 10 & 11 and Ms. S. Konwar, learned counsel appears on behalf of the respondent Nos. 1, 3, 4 & 5.

2. This writ petition has been filed for a direction to be issued to the respondent Nos. 11 & 12, not to disturb the functioning and the activities of the District Special Residential School for handicapped children, Darrang.

3. The petitioner's case is that though it had applied for provincialization of the school, the school has not been provincialized till date.

4. The grievance of the petitioners is that the respondent Nos. 11 & 12, i.e., Officer-in-Charge, Dhula Police Station, Darrang and Dhula Regional Physically Handicapped Development Association, represented by the President -cum-Secretary, Hilapara, Dhula, Darrang, had suddenly appeared in the petitioners school on 26.08.2016 and 27.08.2016 and had threatened the petitioners and the children therein to shift the school. The respondent Nos. 11 & 12 came again on 03.09.2016 threatened the petitioners and its students.

5. The affidavit-in-opposition filed by the respondent No. 12 is to the effect that the writ petitioner No. 2 was removed from the post of Headmaster, on the basis of resolution No. 3 passed by the General Meeting held on 27.08.2016 convened by the Secretary of the petitioners school. Further, on the basis of an

FIR filed by the respondent No. 12 on 26.04.2016 before the O/C, Dhula P.S., registered as Dhula P.S. Case No.190/2016 under Sections 353/294/409/506 of the IPC, the petitioner No. 2 was arrested.

6. On perusing the averments made in the writ petition, there is no document to show that the petitioners were ever threatened by the respondent Nos. 11 & 12. The allegations made by the petitioners against the respondents appear to be vague. However, as no one appears for the petitioner, this Court is of the view that the petitioners are not interested in pursuing the matter. Accordingly, the writ petition is dismissed for non-prosecution.

JUDGE

Comparing Assistant