

GAHC010259922023



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

Case No. : WP(C)/6704/2023

SABINA BEGUM
WIFE OF ABDUL GAFFAR, VILLAGE- SAMARALI BAZAR, POST OFFICE-
SAMARALI BAZAR, POLICE STATION- MURAJHAR, DISTRICT- HOJAI,
ASSAM

VERSUS

1: THE STATE OF ASSAM AND 7 ORS REPRESENTED BY THE
COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM,
EDUCATION (ELEMENTARY) DEPARTMENT, DISPUR, GUWAHATI- 781006

2: THE DIRECTOR ELEMENTARY EDUCATION
ASSAM KAHILIPARA GUWAHATI-19

3: THE MISSION DIRECTOR, SAMAGRA SHIKSHA
ASSAM KAHILIPARA GUWAHATI-19

4: THE DISTRICT COMMISSIONER, HOJAI
SANKARDEV NAGAR DISTRICT- HOJAI ASSAM PIN- 782442

5: THE ADDITIONAL DEPUTY COMMISSIONER (EDUCATION) CUM
DISTRICT MISSION COORDINATOR SSA HOJAI SANKARDEV NAGAR
DISTRICT- HOJAI ASSAM PIN- 782442

6: THE DISTRICT ELEMENTARY EDUCATION OFFICER
HOJAI DISTRICT- HOJAI ASSAM PIN- 782442

7: THE BLOCK ELEMENTARY EDUCATION OFFICER
LANKA DISTRICT- HOJAI ASSAM PIN- 782446

8: THE HEADMASTER, SAMORALI AHMODIA L.P. SCHOOL CUM
RETURNING OFFICER POST OFFICE- SAMARALI BAZAR POLICE STATION-
MURAJHAR DIST.- HOJAI ASSAM PIN- 78243

Advocate for the Petitioner : MR. S K ROY

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 11-01-2024

Heard Mr. S.K. Roy, learned counsel for the petitioner. Also heard Ms. S. Chutia, learned standing counsel, Education (Elementary) Department, representing the respondent Nos.1, 2, 6 & 7 and Mr. P. Nayak, learned standing counsel, Samagra Shiksha Abhiyan (SSA), representing the respondent No.3.

In terms of the order passed by this Court on 22.12.2023, Mr. Nayak has placed on record a status report with regard to the investigation underway in connection with Murajhar Police Station Case No.240/2023.

The Investigating Officer, on examination of the matter, has submitted before this Court in the report that the daughter of the petitioner was neither given admission in the School through the online portal or manually and accordingly the document brought on record at Annexure-3 of the writ petition showing the daughter of the petitioner to have been admitted in the School by the Headmaster on 26.09.2023 admittedly is doubtful. The investigation in the said case is currently underway.

Mr. Roy, learned counsel for the petitioner has submitted that he has received instructions from the petitioner that she does not want to press the matter any further.

In view of the said submission, the matter stands dismissed on withdrawal.

It is made clear that dismissal of this writ petition shall not be a bar for the investigating authorities to take the investigation forward in Murajhar Police Station Case No.240/2023 and arrive at a due conclusion therein.

A copy of this order shall also be forwarded to the District Elementary Education Officer, Hojai by Ms. Chutia, learned standing counsel, Education (Elementary) Department, who would also pursue with the investigating agency and to see that all necessary cooperation from the side of the departmental authorities is provided to the investigating agency to arrive at a due and proper conclusion with regard to the allegations involved. The conduct of the petitioner as borne out in the matter be also kept in notice by the District Elementary Education Officer for further references.

Ms. Chutia shall forward a downloaded copy of this order to the District Elementary Education Officer, Hojai for record and necessary action. Copy of the report dated 08.01.2024, as submitted by Mr. Nayak, is kept on record and marked as "X".

JUDGE

Comparing Assistant