

(15)
30.09.2020
(p.jana)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

(Via Video Conference)

**WPA 6433 of 2020
With
IA No : CAN 1/2020 (Old No : CAN 5062 of 2020)**

**Rupak Majumdar
-versus-
The State of West Bengal & ors.**

Mr. Ratul Biswas,
... for the petitioner.

Mr. Suprabhat Bhattacharyya,
... for the respondent no. 6.

The petitioner is an Assistant Teacher in Work Education of Andrew's High School (H.S.), 33, Gariahat Road (South), Kolkata-31.

The petitioner is complaining that the respondent no. 6, Teacher-in-Charge of the said School, is harassing him and for which he has already lodged complaint with the Police Station but the police authorities are not registering FIR against the said Teacher-in-Charge on the basis of his said complaint.

There is specific provision under Section 156(3) of the Code of Criminal Procedure under which any Magistrate is empowered under Section 190 of the Code may order investigation on receipt of information as to commission of cognizable offences.

The petitioner without resorting to the said provision of the Code of Criminal Procedure cannot invoke the Constitutional Writ Jurisdiction to treat his complaint against respondent no. 6 as FIR.

With the above observation, WPA 6433 of 2020 is disposed of.

The connected application being CAN 5062 of 2020 is also disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)