GAHC010026022023

undefined

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

Case No. : WP(C)/687/2023

GITABALI SINGHA AND ANR
M/O MISS KH. DEEPIKA SINGHA, R/O- SWAMIJI ROAD, ITAKHOLA, MANIPURI PARA, P.O. SILCHAR, P.S. SILCHAR (SADAR), DIST.- SILCHAR, PIN- 788001

2: MISS KH. DEEPIKA SINGHA (MINOR)
D/O MRS. GITABALI SINGHA
R/O- SWAMIJI ROAD
ITAKHOLA
MANIPURI PARA
P.O. SILCHAR
P.S. SILCHAR (SADAR)
DIST.- SILCHAR
PIN- 78800

VERSUS

THE UNION OF INDIA AND 4 ORS
REP. BY THE SECRETARY, MINISTRY OF DEFENCE, ROOM NO. 234, SOUTH BLOCK, MINISTRY OF DEFENCE, NEW DELHI, PIN- 110011

2:THE SAINIK SCHOOLS SOCIETY
ROOM NO. 101
D-1 WING
SENA BHAWAN
NEW DELHI
PIN- 110011

3:THE PRINCIPAL
SAINIK SCHOOL
GOALPARA
P.O. RAJAPARA
DIST.- GOALPARA
PIN- 783133

4:THE VICE PRINCIPAL
SAINIK SCHOOL
GOALPARA
P.O. RAJAPARA
DIST.- GOALPARA
PIN- 783133

5:THE SCHOOL COMMITTEE ON DISCIPLINE
SAINIK SCHOOL
GOALPARA
P.O. RAJAPARA
DIST.- GOALPARA
PIN- 783133
REP. BY THE PRINCIPA

Advocate for the Petitioner : MR. A K BARUAH, MR A DAS,MR. N MAHAJAN

Advocate for the Respondent : DY.S.G.I., MRS. A GAYAN (R1 TO 3),MS. M BARMAN, AMICUS CURIAE,MS. B BHUYAN, AMICUS CURIAE

Linked Case : WP(C)/691/2023

MAMONI BARO AND ANR
MOTHER OF MASTER JASHANT BORO

VILLAGE- KARNACHARA

P.O.- HUDUKHATA

DIST.- BAKSA
PIN- 781318.

2: JASHANT BORO
(MINOR)

S/O- MRS. MAMONI BORO

VILLAGE- KARNACHARA

P.O.- HUDUKHATA

DIST.- BAKSA

PIN- 781318.
VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECRETARY

MINISTRY OF DEFENCE

ROOM NO. 234
SOUTH BLOCK

MINISTRY OF DEFENCE

NEW DELHI
PIN- 110011.

2:THE SAINIK SCHOOLS SOCIETY
ROOM NO. 101
D-1 WING

SENA BHAWAN
NEW DELHI

PIN- 110011.

3:THE PRINCIPAL
SAINIK SCHOOL
GOALPARA
P.O.- RAJAPARA

DIST.- GOALPARA
PIN- 783133.

4:THE VICE PRINCIPAL
SAINIK SCHOOL
GOALPARA
P.O.- RAJAPARA
DIST.- GOALPARA

PIN- 783133.

5:THE SCHOOL COMMITTE ON DISCIPLINE
SANIK SCHOOL GOALPARA

P.O.- RAJAPARA

DIST.- GOALPARA
PIN- 783133

REPRESENTED BY THE PRINCIPAL.

Advocate for : MR. A K BARUAH
Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 4 ORS

Linked Case : I.A.(Civil)/2032/2023

MAMONI BARO AND ANR
MOTHER OF MASTER JASHANT BORO

VILLAGE- KARNACHARA

P.O.- HUDUKHATA

DIST.- BAKSA
PIN- 781318.

2: JASHANT BORO
(MINOR)

S/O- MRS. MAMONI BORO

VILLAGE- KARNACHARA

P.O.- HUDUKHATA

DIST.- BAKSA
PIN- 781318.
VERSUS

THE UNION OF INDIA AND 4 ORS
REPRESENTED BY THE SECRETARY
MINISTRY OF DEFENCE
ROOM NO. 234
SOUTH BLOCK
MINISTRY OF DEFENCE
NEW DELHI
PIN- 110011.

2:THE SAINIK SCHOOLS SOCIETY
ROOM NO. 101
D-1 WING

SENA BHAWAN
NEW DELHI

PIN- 110011.

3:THE PRINCIPAL
SAINIK SCHOOL
GOALPARA
P.O.- RAJAPARA

DIST.- GOALPARA
PIN- 783133.

4:THE VICE PRINCIPAL
SAINIK SCHOOL
GOALPARA
P.O.- RAJAPARA
DIST.- GOALPARA

PIN- 783133.

5:THE SCHOOL COMMITTE ON DISCIPLINE
SANIK SCHOOL GOALPARA

P.O.- RAJAPARA

DIST.- GOALPARA
PIN- 783133

REPRESENTED BY THE PRINCIPAL.

Advocate for : MR. A K BARUAH
Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 4 ORS

Linked Case : I.A.(Civil)/2030/2023

GITABALI SINGHA AND ANR
M/O MISS KH. DEEPIKA SINGHA
R/O- SWAMIJI ROAD
ITAKHOLA
MANIPURI PARA
P.O. SILCHAR
P.S. SILCHAR (SADAR)
DIST.- SILCHAR
PIN- 788001

2: MISS KH. DEEPIKA SINGHA (MINOR)
D/O MRS. GITABALI SINGHA

R/O- SWAMIJI ROAD
ITAKHOLA
MANIPURI PARA
P.O. SILCHAR
P.S. SILCHAR (SADAR)
DIST.- SILCHAR
PIN- 788001
VERSUS

THE UNION OF INDIA AND 6 ORS.
REP. BY THE SECRETARY
MINISTRY OF DEFENCE
ROOM NO. 234
SOUTH BLOCK
MINISTRY OF DEFENCE
NEW DELHI
PIN- 110011

2:THE SAINIK SCHOOLS SOCIETY
ROOM NO. 101
D-1 WING
SENA BHAWAN
NEW DELHI
PIN- 110011

3:THE PRINCIPAL
SAINIK SCHOOL
GOALPARA
P.O. RAJAPARA
DIST.- GOALPARA
PIN- 783133

4:THE VICE PRINCIPAL
SAINIK SCHOOL
GOALPARA
P.O. RAJAPARA
DIST.- GOALPARA
PIN- 783133

5:THE SCHOOL COMMITTEE ON DISCIPLINE
SAINIK SCHOOL
GOALPARA
P.O. RAJAPARA
DIST.- GOALPARA
PIN- 783133
REP. BY THE PRINCIPAL

Advocate for : MR. A K BARUAH

Advocate for : DY.S.G.I. appearing for THE UNION OF INDIA AND 6 ORS.

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

08.10.2026

Heard Mr. A.K. Baruah, learned counsel for the petitioners. Also heard Ms. A. Gayan, learned CGC for the respondents.

2] The petitioners have approached this Court by assailing the transfer certificate dated 06.02.2023, whereby the petitioners were transferred by the authorities of the Sainik School, Goalpara on disciplinary grounds. According to the petitioners, the findings arrived at by the school authorities were unjust, not based on sound reasoning and on facts which are completely disputed.

3] At the time of issuance of notice an interim order was granted by this Court, whereby the Court had passed an order suspending the transfer certificate and permitting the petitioners to resume the classes. Thereafter, the matter came up on several dates, where the interim order stood extended and it is still subsisting.

4] The respondents have contested the matter by filing their affidavits and the petitioners have also filed their rejoinder affidavits.

5] Today when the matter is called up, it is submitted at the bar that during the pendency of the writ petitions, the petitioners have since graduated from the school pursuant to interim order granted by the Court suspending the transfer certificate as well as permitting the petitioners to resume their classes. As on date, none of the petitioners are students of Sainik School, Goalpara.

6] Ms. A. Gayan, learned CGC therefore, submits that the writ petitions have become infructuous and the same may be closed.

7] Mr. A.K. Baruah, learned counsel for the petitioners does not dispute the position on facts.

8] Considering the same, since the transfer certificates issued on 06.02.2023 have since lost its force, no further orders are called for. Accordingly, these writ petitions stand dismissed as infructuous.

9] Interim order, if any, wherever passed earlier stand vacated.

10] Pending Interlocutory Applications are also dismissed.

JUDGE

Comparing Assistant