

WA 553/2005

BEFORE

HON'BLE THE CHIEF JUSTICE B.SUDERSHAN REDDY

HON'BLE MR. JUSTICE B.P.KATAKEY

REDDY, CJ:

The cause in this writ appeal, in our considered view, does not really survive requiring any further adjudication.

The appellant herein mainly challenged the order dated 15.03.2005 issued by the Assistant Sub-Inspector of Schools, Cachar District Circle, Silchar, which reads as under:-

Shri Namar Ali Laskar, Secretary of the Managing Committee of Y.S.Memorial High School, P.O.Khelma is hereby exempted from the Secretaryship of the School with immediate effect till the investigation of the allied matter of school is finalized by the authority and as complaint lodged by the public and as well as teaching staff of the school and also Managing Committee members of the school.

The Headmistress of the school is requested to look after the day-to-day works of the school. The necessary drawal of bill/bills etc. will be drawn by this office until further instruction from this end. This acting arrangement is made purely on temporary basis and until further order from this end.

Sd/- P.Kalita

Asstt. Inspector of Schools,  
CDC, Silchar.

It is brought to our notice by the learned counsel for the appellant that the appellant herein was appointed as Secretary only for a period of 3 (three) years with effect from 13.08.2003. Obviously, by afflux of time, the period itself has come to an end.

During the course of hearing of the writ petition, the learned Single Judge having upheld the impugned order, however, arrived at a tentative conclusion that the appellant indulged in forgery, fabrication in certain vital portions of the proceeding notes Annexure-2A & 2B of the writ petition. In such view of the matter, the learned Single Judge directed the Assistant Inspector of Schools, CDC, Silchar to lodge a F.I.R. before the Silchar Police Station mentioning the forgery/ fabrication of Annexure-2A and 2B of the writ petition and the police authorities were directed to investigate the case.

It is contended that the learned Judge ought not to have recorded any finding regarding forgery or fabrication in Annexure-2A and 2B, the proceeding notes. The contention is that nothing further remains as such for investigation in view of findings of this Court.

This Court vide order dated 07.10.2005 while vacating the interim order dated 23.09.2005 observed that the above finding shall be considered as a tentative view and the investigating agency shall not be influenced by it in any manner.

Nothing is placed before this Court as regards result of the investigation. Interest of the appellant is well protected by the interim order passed by this Court on 07.10.2005. The investigating agency obviously cannot be influenced by the tentative observations made in the impugned judgment passed by the learned Single Judge. It cannot be taken as a finding recorded by the learned Single Judge and more particularly when the learned Single Judge directed the authorities to conduct the investigation pursuant to the F.I.R. that was directed to be lodged by the authority concerned.

In such view of the matter, we hold that no further case survives requiring any further adjudication as such in this appeal. The only direction that can be issued at this stage is to direct the investigating agency to complete the investigation, if it is not completed, within a period of 2(two) months and file a proper report before the Court of competent criminal jurisdiction.

We make it clear that this Court has not recorded any finding wh

atsoever against the appellant as regards forgery/ fabrication of Annexure-2A and 2B of writ petition.