

WP(C) 2572/2012
BEFORE
THE HON'BLE MR JUSTICE B.K. SHARMA

Heard Mr. D. Das, learned counsel for the petitioner as well as Mr. B. C. Houdhruy, learned SC, Education Department.

By means of this writ petition, the petitioner has prayed for a direction to the respondents to allow him to continue as Chowkidar of Satsia Khamar M.E. Madrassa, Goalpara. It is the case of the petitioner that in lieu of donation of land measuring 3 bighas to the said Madrassa he was appointed as Chowkidar in 1992. His service was dispensed with in 2010 consequent upon shifting of the Madrassa to another plot of land. According to the petitioner, the Managing Committee of the school appointed the respondent No. 7 by taking bribe.

The Madrassa being a private institution and there being no control of the Govt., the Madrassa cannot be regarded as an authority within the meaning of the Article 12 of the Constitution of India. Accordingly, the writ petition is not maintainable.

At this stage, learned counsel for petitioner submits that the land which has been donated to the aforesaid Madrassa has already been mutated in the name of the Madrassa.

It will be open for him to approach to Civil Court for appropriate relief.