

(2014) 02 GAU CK 0043
In the Gauhati High Court
Case No : PIL No. 11 of 2014

Lutfor Rahman Akand

APPELLANT

Vs

State of Assam

RESPONDENT

Date of Decision : 12-02-2014

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2014) 4 GLT 48

Hon'ble Judges : Abhay Manohar Sapre, C.J.;Ujjal Bhuyan, J

Bench : Division Bench

Advocate : K. Uddin, Learned Counsel, Advocate for the Appellant; D. Saikia, Learned Additional Advocate General, Advocate for the Respondent

Judgement

Abhay Manohar Sapre, C.J.—Heard Mr. K. Uddin, learned counsel for the petitioner and Mr. D. Saikia, learned Additional Advocate General, Assam, appearing for the respondents. The petitioner claims to be the Headmaster of one school, by name Hazirhat M.E. School, P.O. Hazirhat, district - Dhubri. He has invoked our extraordinary jurisdiction under Article 226 of the Constitution by filing this petition as "public interest litigation".

2. After reading the petition it appears that the grievance of the petitioner is that one department of the State Government i.e. "Treasury Department", which is presently functioning at A place is being shifted by the State to B place in the same district. In other words, the challenge is against the shifting of one office of a State Government from A venue to B venue. According to the petitioner, it is bad and hence be not allowed.

3. We are afraid, we can entertain this grievance.

4. The question as to whether any particular department of a Government should be shifted from A place to B place or vice versa cannot be made subject matter of judicial scrutiny under Article 226 of the Constitution of India unless it is pointed out that such action is against any policy made for public good at large

or when it is pointed out to affect any laws in force or when the decision is so perverse that no man with average capacity can ever take such decision etc. Such does not appear to be a case of this nature.

5. So far as the present case is concerned, whether the Treasury office should be at A place or B place seems to have been taken keeping in view the administrative exigencies of the State functioning and therefore we refrain from making any observations on its shifting and leave the Government to decide in their administrative exigencies as to where they should keep their office.

6. To conclude, the petition fails. It is accordingly dismissed in limini. No cost.