

GAHC010015642024



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

Case No. : WP(C)/642/2024

SOMNATH DEY
S/O- SWAPAN KUMAR DEY, R/O- 3 MANJUSHREE APARTMENT, GHOSH
PARA ROAD, MANIKTALANOAPARA, NORTH BARRACKPORE (M), NORTH
24, PARGANAS, WEST BENGAL, 743144

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT

2:DIRECTORATE OF SOCIAL WELFARE (WOMEN AND CHILD
DEVELOPMENT SECTOR)
REPRESENTED BY DIRECTOR
UZANBAZAR
GUWAHATI-01

3:STATE CHILD PROTECTION SOCIETY
REPRESENTED BY DIRECTOR
ULUBARI
GUWAHATI-07

4:SOS CHILDREN VILLAGES OF INDIA
REPRESENTED BY THE CHIEF EXECUTIVE OFFICER
NEW DELHI

5:THE CHIEF HR MANAGER
SOS CHILDREN VILLAGES OF INDIA
NEW DELHI

6:ASSISTANT VILLAGE DIRECTOR
FAMILY STRENGTHENING PROGRAM

SOS CHILDREN VILLAGES OF INDIA
HOJAI
ASSA

Advocate for the Petitioner : MR. U S BORA, B. CHETRY,MR. M K DAS

Advocate for the Respondent : GA, ASSAM, MR. CHARAK KASHYAP (r-4,5,6)

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

02.12.2025

Heard Mr. M.K. Das, learned counsel for the petitioner. Also heard Mr. CKS Baruah, learned counsel appearing for the respondents No. 1 to 3 and Ms. K Iyer, learned counsel for the respondents No. 4 to 6.

The learned counsel for the respondents No. 4 to 6 has filed an affidavit objecting to the maintainability of the writ petition in view of the fact that the respondents No. 4 to 6 cannot be termed as 'State' within the definition of Article 12 nor are they operating on any Government fund, therefore, on that count itself, the writ petition ought not to be entertained. The affidavit is filed questioning the maintainability of the writ petition on that ground.

However, to decide on this question, this Court is of the view that in view of ratios laid down in a the catena of Judgments rendered by the Apex Court as well as by the High Courts across the Country including this Court, it is seen that there are no rigid parameters laid down to decide the question as to when can a writ Court exercise of its powers. Under judicial review when the writ is prayed for interference of any actions by any non-government organization like the respondents No. 4 to 6. The fact remains that even if assuming this Court ultimately comes to hold that the writ is maintainable, question to be decided

would be whether prayer made in the writ petition by the petitioner seeking interference of the termination order issued by the respondents No. 4 to 6 should ultimately be interfered with, are matters of facts, and which can be decided only upon a proper detailed examination of the materials that are available before this Court.

The learned counsel for respondents No. 4 to 6 therefore prays for six weeks time to file necessary counter affidavit in response to the contentions raised in the writ petition.

Prayer made is allowed.

List this matter again on 02.02.2026.

JUDGE

Comparing Assistant