

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No. 44 of 2023

Smt. Mahua Dasgupta

...Petitioner(s)

Vs

The State of Tripura and Anr.

...Respondent(s)

For the Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate Mr. D. Paul, Advocate
For the Respondent(s)	:	Mr. M. Debbarma, Addl. GA

HON'BLE MR. JUSTICE ARINDAM LODH
Order

19/01/2023

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. D. Paul, learned counsel appearing for the petitioner. Also heard Mr. M. Debbarma, learned Addl. GA appearing for the respondents-State.

By way of filing the instant writ petition, the petitioner has prayed for following reliefs:

“(i) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the Respondents to transfer the Petitioner from Matinagar H.S. School, Sadar, West Tripura to any school in her hometown i.e., Agartala, in term of the Memo, dated, 15.11.2021 & 29.11.2021, both issued by the Under Secretary to the Govt. of Tripura, GA (P&T) Department.

(ii) Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby

(iii) Make the rules absolute.

(iv) Call for records.

(v) Pass any further order/orders as this Hon'ble High Court considered fit and proper."

Mr. Roy Barman, learned senior counsel has submitted that the petitioner is a Post Graduate Teacher and at present she is posted at Umakanta Academy English Medium H.S. School, Agartala. The son of the petitioner is aged about 12 years and he is suffering from Autism Spectrum Disorder and his disability is to the extent of 80%. It is further submitted that the petitioner, being mother is the only caregiver of her disabled son. All on a sudden she has received an order dated 30.11.2022 (Annexure-2 to the writ petition) by which she has been transferred to Manu H.S. School, Sabroom, South Tripura.

The petitioner submitted a representation to consider her transfer order since her son has been suffering from 80% disability out of Autism as stated above.

Thereafter, the State-respondents had considered her representation and accordingly modified it and she was posted at a school which is situated at the same Sub-Division where she now resides i.e. Sadar Sub-Division.

Mr. Roy Barman, learned senior counsel has submitted that as per Government's memorandum dated 15.11.2021, Government has taken a policy decision to exempt the caregiver of disabled

persons suffering from the diseases mentioned in the said office memorandum from routine exercise of transfer/rational transfer.

Mr. Debbarma, learned Addl. GA has submitted that Matinagar H.S. School is very close to Agartala city and within Sadar Sub-Division and transfer has been made under extreme administrative exigencies.

In view of this, I do not find any merit in this writ petition since the Government has already considered her representation modifying her original transfer order from Manu H.S. School, Sabroom, South Tripura to Matinagar H.S. School, close to Agartala city. However, if there is any scope to reconsider the case of the petitioner, the respondents may do so within a period of 30 (thirty) days.

With the aforesaid observations and directions, the instant writ petition stands dismissed.

JUDGE

