

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.62 of 2023

Smt. Dulali Saha

....Petitioner(s)

Vs

The State of Tripura and Anr.

....Respondent(s)

For the Petitioner(s)	:	Ms. N. Ghosh, Advocate
For the Respondent(s)	:	Mr. D. Sarma, Addl. GA

HON'BLE MR. JUSTICE ARINDAM LODH

Order

31/01/2023

Heard Ms. N. Ghosh, learned counsel appearing for the petitioner. Also heard Mr. D. Sarma, 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 quashing the Memo, dated, 18.08.2022, issued by the Director of Secondary Education, Govt. of Tripura.

(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 directing the Respondents to grant special disability leave for accidental injury w.e.f. 01.11.2021 to

20.12.2021, i.e. for 50 days to the Petitioner in terms of Rule 41 of TSCS (Leave) Rules, 1986.

(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."

Learned Addl. GA at the very outset has submitted that the rule that allows special leave to a government employee is that the employee concerned has to meet with an accident in the premises where he is employed. But, in the instant case, according to learned Addl. GA, the petitioner met with the accident outside the school premises and for which she is not entitled to get special leave but ordinary leave.

Ms. Ghosh, learned counsel has drawn my attention to para 4 of the writ petition, which, for convenience may be reproduced here-in-below:

"4. That, while the Petitioner was serving as Post Graduate Teacher at Palatana H.S. School, Gomati, on 01.11.2021, at about 10:30 am on the way to her school near Palatana Bazar the Petitioner met with road traffic accident. As a result thereof the Petitioner became severely injured and the Petitioner suffered fracture on her right shoulder and scapula. After the accident, immediately the Petitioner was brought to District Hospital Gomati, Tripura and there from the Petitioner was referred to AGMC & GBP Hospital for management and to that regard discharge certificate has been issued on 01.11.2021 by the Medical Officer, District Hospital Gomati Tripura.

A copy of the discharge certificate, dated, 01.11.2021 is annexed herewith and marked as Annexure 1."

I have considered the submissions of learned Addl. GA as well as the statements made in para 4 of the writ petition. The petitioner was on her way to school. As such, she should be treated as on duty and according to this Court, for this reason the petitioner is entitled to enjoy special leave and the respondents are under obligation to allow her to go on special leave.

In the light of the above observation, I direct the respondents to allow the petitioner to go on special leave instead of ordinary leave and accordingly, the instant writ petition stands allowed and disposed.

JUDGE

Snigdha



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