

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WP(C) No.125 of 2023

For Petitioner(s) : Mr. P.Roy Barman, Sr. Advocate.
Mr. S. Bhattacharjee, Advocate.
For Respondent(s) : Mr. D. Sarma, Addl. G.A.

HON'BLE THE CHIEF JUSTICE (ACTING)
_O_R_D_E_R_

04/03/2023

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. S. Bhattacharjee, learned counsel appearing for the petitioner. Also heard Mr. D. Sarma, learned Addl. G.A. appearing for the respondents.

The petitioner has prayed for the 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 Bhagini Nivedita H.S. School, Udaipur, Gomati to any school in her hometown i.e. Agartala, West Tripura, in terms of the memos, dated 15.11.2021 & 29.11.2021, both issued by the Under Secretary to the Govt. of Tripura, GA(P&T) Department.
- ii. Make the rule absolute.
- iii. Call for the records.
- iv. Pass any further order/orders as this Hon'ble High Court considered fit and proper."

The case of the petitioner is that the husband of the petitioner is suffering from 70% locomotor disability and the petitioner is the only person in her family to take care of her husband. As per Memo dated 08.10.2018 & 15.11.2021, the petitioner is the care giver of disabled spouse. In this writ petition, the petitioner who is serving as Post Graduate Teacher under the respondents, has sought for necessary direction upon the respondents to transfer her from Bhagini Nivedita H.S. School, Udaipur, Gomati to any school in her home town i.e. Agartala in terms of the policy decision of the government.

It has further been submitted that in the list of the Government Memo with regard to considering her transfer, she has made certain representations in the month of April, 2022, May 2022, July 2022, December 2022 and February 2023 but, the same are not considered.

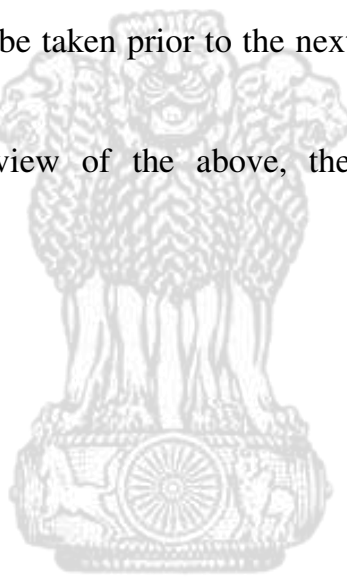
In view of above, it is crystal clear that the petitioner has submitted several representations to the respondent-authorities and also placed relevant documents on record in respect of her grievance, but, in vain. Prima facie, this Court feels that it would not be proper on the part of the respondents to sleep over on the representations particularly the representation dated 04.02.2023 of the petitioner.

As such, without expressing any opinion on the merits, this Court is of the considered opinion that ends of justice would be met if the writ petition is disposed of directing the respondents to consider the representation of the petitioner particularly, representation dated 04.02.2023 in the light of the Transfer Policy of the Government of Tripura having a pragmatic view with regard to the health condition of the petitioner's husband. It is made clear that the said decision shall be taken prior to the next academic year after receipt of the copy of this order.

In that view of the above, the present writ petition stands disposed of.

CHIEF JUSTICE [ACTING]

A. Ghosh



सत्यमेव जयते