

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.139 of 2023

For Petitioner(s)	:	Mr. P. Roy Barman, Sr, Advocate. Mr. K. Nath, Advocate.
For Respondent(s)	:	Mr. B. N. Majumder, Sr. Advocate. Mr. D. J. Saha, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

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17/03/2023

Heard P. Roy Barman, learned senior counsel assisted by Mr. K. Nath, learned counsel appearing for the petitioner. Also heard Mr. B. N. Majumder, learned senior counsel assisted by Mr. D. J. Saha, learned counsel appearing for the respondents.

The present petition has been filed under Article-226 of the Constitution of India seeking a writ in the nature of mandamus or direction for quashing and cancelling the order dated 20.05.2022 issued by the Civil Judge (Sr. Division) and Asstt. Sessions Judge, West Tripura and also to transfer the petitioner from O/o the District and Sessions Judge, Unakoti District to any place in her hometown i.e. Agartala, in terms of the memo dated 15.11.2021 and 29.11.2021, both issued by the Under Secretary to the Govt. of Tripura, G.A. (PA & T) Department.

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 quashing and cancelling the order dated 20.05.2022, issued by the Civil Judge, (Sr. Division) & Asstt. Sessions Judge, West 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 transfer the petitioner from O/o the District & Sessions Judge, Unakoti District to any place in her hometown i.e., Agartala, in terms of the memo dated 15.11.2021 and 29.11.2021, both issued by the Under Secretary to the Govt. of Tripura, GA (PA&T) Department.
- iii. Make the rules absolute.
- iv. Call for the records."

The case of the petitioner is that the petitioner is presently working as PA-II in the office of the District & Sessions Judge, Unakoti District and under the scheme of transfer, her husband since 65% disabled, the petitioner has sought for consideration. In this regard, the petitioner has requested for her transfer on the same ground and the concerned Civil Judge, Sr. Division by order dated May, 2022 has addressed to the petitioner that the authority has rejected her prayer. But it is seen from the order that there is no such reasons have been indicated on what ground the authority has rejected the prayer of the petitioner.

Further, the petitioner by way of representation dated 15.06.2022 has again represented the matter before the respondent District Judge and also filed a reminder dated 07.12.2022 and the matter is pending. Since, the order of rejection is under challenged before this Court and the request of the petitioner was already rejected, the question of again filing fresh application as indicated in the representation dated 15.06.2022 and by way of reminder dated 07.12.2022, is not maintainable.

However, since the request of the petitioner was rejected by May, 2022 order which is unreasonable and copy of the said decision has not been communicated to the petitioner. This Court expresses its concern the manner in which the subordinate judiciary is functioning. Thus, this Court directs the respondents to consider the case of the petitioner with a pragmatic view strictly within the frame work of the scheme and pass a reasoned order and the said decision be communicated to the petitioner as expeditiously as possible preferably within a period of 2 months from the date of receipt of the copy of this order.

Accordingly, the present writ petition stands disposed of. As a sequel, miscellaneous applications pending, if any, shall stand closed.

CHIEF JUSTICE (ACTING)