

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 278 of 2023

Sri Rajib Kanti Paul

----**Petitioner**

Versus

The State of Tripura & 2 Ors.

----**Respondent**

For Petitioner(s)	: Mr. Somik Deb, Sr. Adv. Mr. K. Debnath, Adv.
For Respondent(s)	: Mr. D. Sharma, Addl. GA.
Date of hearing and delivery of judgment and Order	: 08.05.2023
Whether fit for reporting	: No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & order (Oral)

This is a petition under Article 226 of the Constitution of India, for enforcement of the Constitutional rights of the petitioner, guaranteed under Articles 14, 16, 19 & 21 of the Constitution of India and his statutory rights, guaranteed under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

[2] The brief case of the petitioner is that the petitioner is a physically challenged, having 55% multiple disability, including ear & eye problems. The petitioner is holding the post of Senior Instructor (Mechanical), in the Industrial Training Institute, Department of Industries & Commerce, Government of Tripura. At several points of time, the petitioner was transferred to various places. The petitioner preferred an Appeal, before the Director, Industries & Commerce, Government of Tripura on 18.02.2019 seeking modification/cancellation of the Transfer order, issued in his favour. The Director, Directorate of Industries & Commerce, Government of Tripura issued an Order dated 24.08.2021, thereby transferring the petitioner from ITI, Kailashahar and posting at ITI, Telliamura, Khowai. The petitioner submitted a letter to the Director, Directorate of Industries & Commerce, inter alia praying for changing the place of posting from Telliamura to a place nearby his residence on the ground of disability & for his proper

treatment at Agartala, but the same did not evoke any response thereto. The Principal, Government Industrial training Institute, Teliamura, Khowai Tripura issued a letter dated 24.02.2022 inter alia forwarding the letter of the petitioner to the Director, Directorate of Industries, & Commerce. The petitioner submitted a letter to the Director, Directorate of Industries and Commerce dated 16.08.2022, inter alia requesting to consider the representatives of the petitioner without further discrimination & denial, but the same did not evoke any response so far. The Manager (Credit), Officer-in-Charge, Directorate of Industries and Commerce, Government of Tripura issued a letter dated 10.04.2019 inter alia noting that as per observation of the order dated 26.03.2019 the representation of the petitioner could not be considered, due to shortage of Senior Instructor (Mechanical) at ITI, Kailashahar and as such, the petitioner was directed to make the prayer consideration in future. In the said letter dated 10.04.2019 which was issued in the year 2019, the petitioner was directed to make the prayer for his posting, as per the Order dated 26.03.2019 in future, as there was no Senior Instructor present at that point of time, in the ITI, Kailashahar, and as such, the petitioner had constantly made his prayers vide his letters dated 29.12.2021, 27.01.222 and 16.08.2022 but no such consideration of the prayers of the petitioner has been made so far.

[3] Being aggrieved, the petitioner has approached this court for the following reliefs

(i) Issue rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, for directing the respondents, to transmit the records, appertaining to this writ petition, lying with them, for rendering substantive and conscionable justice to the petitioner

(ii) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, for mandating/directing the respondents, to strictly conform to the statutory prescriptions, contained in the persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, and thereupon, forthwith transfer the petitioner to Agartala, on the ground of his multiple disability.

(iii) call for the records appertaining to this writ petition.

[4] Heard Mr. Somik Deb, learned senior counsel appearing for the petitioner as well as Mr. D. Sharma, learned Addl. GA appearing for the respondents.

[5] In view of said submission, without expressing any opinion on the merits of the case this present writ petition is disposed of directing the respondents to consider the case of the petitioner as per prevailing scheme within a period of one month from the date of receipt of copy of this order. It is needless to observe that while considering the case of the petitioner the respondents shall also consider the disability certificate which was earlier produced and is presently placed before this court which indicates petitioner's disability is more than 80% and above. The petitioner is at liberty to place all relevant materials before the respondents for consideration. On receipt of the same, the respondents thereafter in a period of month shall consider and disposed of the case.

[6] With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

