

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 394 of 2021

Smt. Anita Saha

---Petitioner(s)

Versus

The State of Tripura and 4 Ors.

---Respondent(s)

For Petitioner(s)	: Mr. Raju Datta, Adv.
For Respondent(s)	: Ms. A. Banik, Adv.
	Mr. Suman Bhattacharjee, Adv.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

13.07.2023

Heard counsel for both sides.

This is an application under Article 226 of the Constitution of India.

It is the case of the petitioner that she was appointed to the post of Social Education Organisator (Female) under the respondents on 12.05.1992. The respondent No.3 most arbitrarily and without giving any reasonable opportunity to the petitioner to submit her objections against the changes made in the seniority position in the said seniority list. Further, at the back of the petitioner, the respondents published the final seniority list. According to the petitioner, the final seniority list cannot be sustained on the ground that respondent No. 3 arbitrarily maintained the seniority position of the petitioner at Serial No.2019 in place of Serial No.2. Though admittedly, the petitioner is second senior most employee for the post of Supervisor (ICDS/RFLP/SEO) under Social Welfare and Social Education Department. According to the petitioner, the final seniority list published on 30.03.2021 is liable to be modified.

Aggrieved by the said action of the respondents, the petitioner has approached this court for seeking the following reliefs:

To issue rule upon the respondents to show cause as to why the respondents should not transmit all the records relating to the case of the petitioner.

And.

As to why a Writ in the nature of Certiorari should not be issued quashing/modifying the Final Seniority list to the post of Supervisor (ICDS/RFLP/SEO) published by a Memorandum vide No.F.19(43)-DSWE/CONF/2020/6062(97) dated 30.03.2021 by the respondent No.3 whereby the seniority position of the petitioner was placed at serial No.2019 in place of Serial No.2.

And

As to why a writ in the nature of Mandamus should not be issued directing the State Respondents to place the seniority position of the petitioner at Serial No.2 in place of Serial No.219 as per the Provisional Seniority list for

the post of Supervisor (ICDS/RFLP/SEO) published vide Memo No.F.19(43)DSWE/CONF/2020/3564(100) dated 10.11.2020 issued by the respondent No.3.

And

As to why such other order/orders should not be passed so as to give full relief to the petitioner, and upon causes shown, to make the Rule Absolute

And

In the interim be pleased to staying effect and operation of the final seniority list dated 30.03.2021 issued by the respondent No.3 and direct the state respondents not to promote any employees junior of the petitioner on the basis of the final seniority list published on 30.03.2021 till disposal of the writ petition.

And

As to why writ in the nature of Certiorari should not be issued quashing the Notification vide No.F.1(19)-DSWE/ESTT/2021/10996(80) dated 11.03.2022 issued by the Under Secretary, Government of India, Education (Social Welfare & Social Education) Department whereby junior of the petitioner have been promoted.

Without expressing any opinion on the merits of the case, this writ petition is disposed of directing the respondents to address the petitioner for submitting all relevant documents for considering her case. On receipt of such communication from the respondents, the petitioner herein shall submit all relevant information/documents in support of her claim.

The respondents on receipt of such information/documents and the representation, if any, shall consider the same in accordance with law within a period of three months from the date of receipt of such information/documents from the petitioner.

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

Dipak

DIPAK DAS
Digitally signed by DIPAK
DAS
Date: 2023.07.14 15:50:14
+05'30'