

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 500 of 2023

Sri Ayan Chakma

---Petitioner(s)

Versus

The State of Tripura And 2 Others

---Respondent(s)

For Petitioner(s)	: Mr. Debajit Biswas, Advocate.
For Respondent(s)	: Mr. K. De, Addl.GA.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

10.08.2023

Heard Mr. Debajit Biswas, learned counsel appearing for the petitioner as well as Mr. K. De, learned Addl. GA appearing for the respondents.

This is a petition under Article 226 of the Constitution of India seeking a writ of Mandamus directing the respondents to provide the petitioner with employment in consonance with his qualification under Die-in-harness scheme on the death of his father namely Lt. Samit Chakma, who was employed as UGT at Bijoygiri Dewan Para Senior Basic School (Primary) under I/S Chailengta, Longtarai Valley, Dhalati District.

It is the case of the petitioner that his father Lt. Samit Chakma, was serving as a UGT at Begin Dewan Para S.B. School under FS Chailengta, Longtarai valley. Dhalai Tripura, when he met with an untimely death due to kidney failure. As a result of such untimely and premature death of the deceased, the family of the deceased employee, comprising of 2 dependant members, was stricken with acute financial constraints. The deceased Government Employee passed away to his heavenly abode on 01.03.2018. Finding no other means, a prayer was tendered by the petitioner, with the consent of his mother, to the Director of Elementary Education Department, Government of Tripura on

24.07.2018, for providing employment under the 'Die-in-harness scheme, through proper channel. The prayer tendered by the petitioner for providing employment under the 'Die-in-harness' scheme, was rejected by the respondent No.2 by a communication vide No.F.1(35)- DEEVESTT 2018(43), passed by the Additional Director, Department of Elementary Education, Government of Tripura, stating that the prayer of the petitioner for employment under compassionate ground could not be considered as per notification vide No. F. 1(2)GA(P&T)\15, dated 26.12.2015, issued by the GA(P&T) Department with further information stating that the mother of the petitioner is entitled for one time financial benefit of Rs. 1 lac. The rejection of the prayer for providing job on the ground that the petitioner is under age and further information stating that the mother of the petitioner is entitled for one time financial benefit of Rs. 1 lac is illegal and unsustainable in law. Hence, this writ petition is preferred by the petitioner before this Court for seeking the following reliefs:

- (i) *Issue a 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 shall not be passed, quashing setting aside the impugned order dated 14.09.2021.*
- (ii) *Issue a 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 shall not be issued, mandating/ directing the respondents to appoint your humble petitioner to a post commensurate to her educational qualification, forthwith as per the prescriptions of the 'Die-in-harness' scheme;*
- (iii) *Issue a rule calling upon the respondents to reconsider the prayer of the petitioner at this stage being a major and having enough qualification to be appointed under the scheme;*
- (iv) *Call for the records appertaining to this petition;*
- (v) *After hearing the parties, be pleased to make a Rule absolute in terms of i.,ii., above;*
- (vi) *Costs of and incidental to this proceeding;*
- (vii) *Any other relief(s) as to this Hon'ble High Court may deem fit and proper;*

Mr. Debajit Biswas, learned counsel appearing for the petitioner has submitted before this court that the respondents have invaded the rights of the petitioner guaranteed under Part-III of the Constitution of India. It can be safely stated that the petitioner has

projected a very strong prima facie case warranting interference and therefore, the impugned order dated 14.09.2021 merits to be quashed/set aside by issuance of an appropriate writ of certiorari and/or in the nature thereof.

Mr. K. De, learned Addl. GA appearing for the respondents has submitted before this court that the impugned order 14.09.2021 is just and proper and does not need any interference from this court and further prayed for dismissing the petition.

Having gone through the record and also having considered the submission as made by the learned counsel for the parties, it appears to this court that the affidavit appended with the petition is not self explanatory and hence this court has no hesitation to hold that the petitioner has failed to make out his case. Accordingly, the petition stands dismissed.

However, liberty is granted to the petitioner to approach the respondents by way of a representation along with all relevant documents in support of his case, if so advised. On receipt of such representation, the respondents shall consider the case of the petitioner in the light of the scheme (i.e. Die-in-harness) and also with accordance with law within a period of three months from the date of receipt of such representation along with all relevant documents.

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

JUDGE

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