

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.1056/2022

Fariya Sultana

.....Petitioner(s).

V E R S U S

The State of Tripura & others

.....Respondent(s).

For Petitioner(s) : Mr. Biplabendu Roy, Advocate.

For Respondent(s) : Mr. Debalay Bhattacharya, G.A.,
Mr. J. Majumder, Advocate.

HON'BLE THE CHIEF JUSTICE (ACTING)

Order

24/02/2023

Heard Mr. Biplabendu Roy, learned counsel appearing for the petitioner. Also heard Mr. J. Majumder, learned counsel appearing for the private respondents No.4 & 5.

2. This instant writ petition has been filed under Article 226 of the Constitution of India seeking for a direction to the respondents to appoint the petitioner under Die-in-Harness Scheme on compassionate ground.

3. The facts of the case, in brief, are that the husband of the petitioner while in service expired on 22.01.2022 leaving behind his wife

(petitioner herein) and his mother. Subsequently, petitioner submitted representations on 28.01.2022 and 21.02.2022 respectively to the Director of Secondary Education, Government of Tripura for employment under Die-in-Harness Scheme on compassionate ground and the authority issued notice to respondent No.4, mother-in-law of the petitioner, to remain present before the authority and submit no objection certificate, but she did not turn up. In the meantime, the petitioner made a prayer on 09.09.2022 for her appointment under the said scheme, but the authority concerned did not pay any attention thereto. Aggrieved thereby, the petitioner preferred the instant writ petition for getting redress. Hence, this case.

4. Petitioner has prayed for the following reliefs:

"(A) 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, shall not be issued for calling for the records lying with the Respondents, for rendering substantial and conscionable justice to the Petitioner.

(B) 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, shall not be issued, mandating/commending them, to give compassionate appointment to the Petitioner, and by giving suitable directions to the Respondents No-1 & 2, to consider the Petitioner, as per the circumstances stated above, for such appointment without furnishing/ submitting the "No Objection" and "Family Ration card" and thereupon, appoint the petitioner in Government service, as per her qualification, under the Die-in-harness Scheme;

- (C) Call for the records, appertaining to this writ petition;
- (D) After hearing the parties, be pleased to make the Rule absolute in terms of (i) & (ii) above;
- (E) Costs of and incidental to this proceeding;
- (F) Any other Relief(s) as to this Hon'ble High Court may deem fit and proper."

5. Mr. Biplabendu Roy, learned counsel appearing for the petitioner, contends that pursuant to the death of her husband the petitioner, who was aged about 19 years, became entitled to the benefit under die-in-harness scheme for getting a suitable job befitting to her qualification having passed the Higher Secondary Examination. Counsel also contends that after the demise of her husband, the petitioner due to financial constraint have been passing her days under starvation while her mother-in-law is getting family pension of her deceased husband. Counsel further contends that in spite of having required educational qualification, the respondent-authority on the pretext of non-submission of some documents, deprived her from getting a suitable job under the die-in-harness scheme. Accordingly, he prays for a direction to the respondents to consider the case of the petitioner on compassionate ground and to give her a job as per her qualification under the said scheme.

6. On the other hand, Mr. J. Majumder, learned counsel appearing for the private respondents No.4 & 5 fairly submitted that the matter may be decided in accordance with law.

7. In view of submissions of learned counsel of both sides, the present writ petition is disposed of directing the respondent No.2, the Director, Directorate of Secondary Education, Government of Tripura to consider the claims and counter claims of the petitioner and the private respondents after giving opportunity to both sides to make representations and on the strength of documents so submitted, he shall decide the same by passing a reasoned order, in accordance with law preferably within a period of 3(three) months from the date of receipt of the copy of this order.

8. With the above observations and directions, the writ petition is allowed and stands disposed of.

Pending application(s), if any, also stands disposed of.

CHIEF JUSTICE (ACTING)

Dipesh