

GAHC040013902023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/492/2023

Shri Dakpe Sipi
S/o Late Tashi Dakpe, Accountant, DIET Naharlagun, Govt. of AP. Itanagar, Resident
of Barapani, Naharlagun, PO/PS Naharlagun, Papum Pare District

VERSUS

The State of AP and 3 Others
represented by Commissioner (Education), Govt. of Arunachal Pradesh, Itanagar.

2:The Director

Age: 0

Occupation :

State Council of Educational Research and Training(SCERT)

Gohpur Tinali

Itanagar.

3:The Principal

Age: 0

Occupation :

DIET

Naharlagun

Govt. of Arunachal Pradesh.

4:Shri Mukesh Kumar Singh

Age: 0

Occupation :

DIET

Daporijo

PO/PS Daporijo

Upper Subansiri District Arunachal Pradesh

Advocate for the Petitioner : Lissing Perme

Advocate for the Respondent : Tagum Jamoh

**BEFORE
HONBLE MR. JUSTICE AJIT BORTHAKUR**

ORDER

11.10.2023

Heard Mr. L. Perme, learned counsel for the petitioner. Also heard Mr. T. Tagum, learned Standing Counsel, Education Department.

2. The grievance of the petitioner, in a nutshell, is that he was appointed as an Accountant at DIET, Naharlagun under SCERT, Government of Arunachal Pradesh, on 01.01.2010. Since then he had been working at Daporijo until he was attached at State Council of Educational Research and Training, Itanagar.

3. Vide Order No. SCERT-11018/1/2021- Part(1)/10-15, dated 06/05/2022 issued by Respondent No.1, the petitioner was posted to DIET Seppa, East Kameng District, Arunachal Pradesh and as such, in compliance of the transfer order he joined at DIET Seppa.

4. While discharging duty at DIET Seppa, East Kameng District, the petitioner suffered from a severe Brain Stroke and he was referred for treatment outside the district and due to diagnosis of large acute Hematoma in his brain resulting in paralysis of his upper right side of the body, he was hospitalised for a couple of months at hospital at Dibrugarh. Consequent upon his brain stroke and requirement of regular medical observation and treatment in a specialized hospital, the Petitioner was Transferred and Posted to DIET, Naharlagun by Order No. SCERT- 12017/7/2022- SCERT, dated 11/11/2022.

5. However, vide the impugned Order No. SCERT-11016/1/2021-SCERT-Br-SCERT, dated 25/09/2023 issued by Respondent No.1, the petitioner has been again posted at DIET, Daporijo, Upper Subansiri District, Arunachal Pradesh, which is against the Policy

Guidelines on transfer and posting of all categories of officers and staff under the Government of Arunachal Pradesh Order No. PERS-126/2004, dated 19/12/2008 and subsequent Circular No. PERS-40/13/2021, dated 18/08/2021, wherein it is categorically stated that in terms of the Guidelines under reference, the normal tenure of posting for all categories of officers and staff is 2 (two) years. As the petitioner is a patient of brain stroke and Daporijo being one of the remotest areas there is no medical facility for the disease the petitioner is suffering. Being aggrieved the petitioner filed representation, dated 05.10.2023 before the respondent authorities praying for revocation and cancellation of the transfer and posting, but the same has not been considered till date. Hence, the petitioner has filed the instant writ petition.

6. Upon hearing the learned counsel for both sides and considering the averments made in the petition along with the documents annexed thereto, this Court finds it expedient to direct the respondent authorities, more particularly, the Commissioner (Education), Govt. of Arunachal Pradesh, Itanagar/respondent No.1 to dispose of the representation, dated 05.10.2023 filed by the petitioner by passing a speaking and reasoned order **within a period of 7(seven) days** from the date of receipt of a certified copy of this order, which shall be furnished by the petitioner. Till then, status quo in respect of the transfer Order No.SCERT-11016/1/2021-SCERT-Br-SCERT, dated 25/09/2023 issued by Respondent No.1, shall be maintained.

With the above direction, the petition stands disposed of.

JUDGE

Comparing Assistant