

GAHC010119542021



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

Case No. : WP(C)/3715/2021

DHARAM NATH GIRI
S/O LATE SHIVJI GIRI, PRESENTLY SERVING AT THE ASSAM RIFLES HIGH
SCHOOL, 17 ASSAM RIFLES C/O 99 APO, LOKRA, SONITPUR, ASSAM.

VERSUS

UNION OF INDIA AND 5 ORS.
REPRESENTED BY SECY. TO THE GOVT. OF INDIA, MINISTRY OF HOME
AFFAIRS, NEW DELHI 110001

2:DIRECTOR OGENERAL

ASSAM RIFLES
SHILLONG
MEGHALAYA
PIN 793010

3:THE COLONEL

RECORDS
DIRECTORATE GENERAL
ASSAM RIFLES
RECORD BRANCH
SHILLONG
MEGHALAYA 793011

4:COMMANDANT
17 ASSAM RIFLES
C/O 99 APO

5:COMMANDANT

18 ASSAM RIFLES
C/O 99 APO

6:HEAD MASTER
ASSAM RIFLES HIGH SCHOOL
LOKRA
SONITPUR
ASSAM

Advocate for the Petitioner : MR. R MAZUMDAR
Advocate for the Respondent : ASSTT.S.G.I.

Linked Case : WP(C)/3075/2022

SMTI. USHA GIRI
W/O- DHARAM NATH GIRI
PERMANENT RESIDENT OF SATGAON
PUBERUN NAGAR
UDAYAN VIHAR
KAMRUP(M)
GUWAHATI-781171
ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS
NEW DELHI-110001.

2:THE DIRECTOR GENERAL
ASSAM RIFLES
SHILLONG
MEGHALAYA
PIN- 793010.
3:THE COLONEL

RECORDS
DIRECTORATE GENERAL
ASSAM RIFLES
RECORD BRANCH
SHILLONG
MEGHALAYA-793011.
4:COMMANDANT
17
ASSAM RIFLES
C/O- 99 APO
SHILLONG
MEGHALAYA-793011.

5:MAJOR
SO-2
(ADMINISTRATIVE)

MAHANIDESHALAYA
ASSAM RIFLES
DIRECTORATE GENERAL
ASSAM RIFLES
RECORD BRANCH
(ADM-IV
CIVIL)
SHILLONG
MEGHALAYA-793011.
6:THE PRINCIPAL/HEAD MASTER

ASSAM RIFLES HIGH SCHOOL
LOKHRA
SONITPUR
PIN- 784102
ASSAM

Advocate for : MR D K DAS
Advocate for : ASSTT.S.G.I. appearing for THE UNION OF INDIA AND 5 ORS.

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK
ORDER

25-08-2023

Heard Mr. H. Betala, learned counsel for the petitioners and Ms. R. Devi, learned Central Government Counsel for the respondent Nos. 1 to 3 in WP(C) No. 3715/2021. Also heard Ms. S. Bora, learned Central Government Counsel for the respondent Nos. 1 to 3 in WP(C) No. 3075/2022.

2. The petitioner of WP(C) No. 3715/2021 is a Hindi Teacher serving in the Assam Rifles High School, Lokra near Tezpur, District-Sonitpur and his wife, the petitioner of WP(C) No. 3075/2022 is a Junior Teacher also serving in the said school.

3. It is stated that the petitioners are having disabled dependent son suffering from "Down Syndrome" (40% hearing impairment and mild mental retardation).

4. By order dated 09.04.2021, the authorities in the Directorate General, Assam Rifles, Shillong transferred the petitioner of said WP(C) No. 3715/2021 to 18 Assam Rifles, Chandel from Lokra High School and his wife, i.e., the petitioner of said WP(C) No. 3075/2022 to Situ.
5. Being aggrieved with their said transfer order dated 09.04.2021, the petitioners have preferred these two petitions.
6. On being enquired, Ms. Devi, learned CGC placed before the Court a copy of the communication dated 18.08.2023 of the Assam Rifles pertaining to both these writ petitions clarifying that as the son of the petitioners found to have been suffering from "Down Syndrome" (40% hearing impairment and mild mental retardation) and that opinion/recommendation for posting of the petitioners on medical ground i.e., on Special Child case to a Station, where the requisite medical facilities along with physiotherapy or rehabilitative therapies are available, was sought from the Medical Branch.
7. Accordingly, the Director of Medical Headquarter, Director General, Assam Rifles recommended the posting of the petitioners to any State capital or District Headquarter in the North East region where the rehabilitative centers and mental health facilities are available.
8. It is stated that such facilities are available at Dimapur, Imphal, Agartala, Kohima and Chardwar leaving aside Lokhra where the petitioners are presently posted.
9. During the deliberation of the matters, Mr. Betala, learned counsel for the petitioners submits that the speech therapy is not available at Agartala.
10. In view of the above, the respondent authorities shall do the needful with regard to the transfer and posting of the petitioners where the requisite medical facilities along with the physiotherapy and/or the rehabilitative therapies for the Special Child are available, particularly in the above noted places.
11. With the above observation and direction, these two writ petitions stand disposed of.

JUDGE

Comparing Assistant