

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 165/2024

Sri Jayanta Kumar Das

----Petitioner(s)

Versus

The State of Tripura and 2 ors.

----Respondent(s)

For Petitioner(s) : Mr. SK Deb, Sr. Advocate

Mr. S. Datta, Advocate

For Respondent(s) : Ms. R. Chakraborty, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH
Order

01/03/2024

Heard Mr. SK Deb, learned senior counsel assisted by Mr. S. Datta, learned counsel appearing for the petitioner. Also heard Ms. R. Chakraborty, learned counsel for the respondents-State.

The main issue raised in the present writ petition is that the petitioner being a teacher under SSA was initially posted in Kanya Prasad RPSB School, Sabroom and vide Memorandum dated 06.06.2023 he has been temporarily placed to Khedabari S.B. School, Rajnagar, Belonia, South Tripura.

Mr. Deb, learned senior counsel has argued that the petitioner being an SSA teacher cannot be placed temporarily to any other school other than the school where he was first posted.

The second fold of submission advanced by learned senior counsel appearing for the petitioner is that the petitioner also has sought for regularization of his service and to substantiate the entitlement of the petitioner for regularization, he has relied upon a judgment and order passed by a Division Bench of this Court in *W.P.(C) 329 of 2015*, titled as *Sri Sajal Deb vs. The State of Tripura and ors.*

Learned senior counsel for the petitioner has drawn my attention to a letter dated 04.12.2023 (Annexure-7 to the writ petition) issued by the District Education Officer (I/C), wherein while disposing of the representation of the petitioner, the said authority had informed the petitioner that the posting of the petitioner to a School at Belonia was purely temporary adjustment which can be withdrawn after posting of teacher to those schools by the Government subsequently. The said order is not meant for permanent transfer.

Learned senior counsel has submitted that an SSA teacher cannot be shifted/transferred/placed in any other School other than the School where he/she was first posted.

I respectfully disagree with the submission of learned senior counsel appearing for the petitioner because the petitioner could not place any government order/notification to substantiate that an SSA teacher cannot be transferred/posted/placed in any other School other than the School where he/she was first posted. As such, this submission of learned senior counsel is repelled.

Dealing with the second fold of submission of learned senior counsel appearing for the petitioner, I am of the opinion that for regularization of SSA teacher, the government has already framed a Scheme.

If the petitioner thinks that he comes within the purview of the Scheme, then, he may prefer a representation to the appropriate authority for consideration of his regularization.

From the letter dated 04.12.2023, it comes to fore that the petitioner has been to Khedabari S.B. School, Rajnagar keeping in mind the shortfall of teachers in the said School and temporary placement of the petitioner to Khedabari S.B. School is for the interest of the students of the said School.

With the above observation, the instant writ petition stands dismissed.

JUDGE

SAIKAT KAR

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