

**HIGH COURT OF TRIPURA  
AGARTALA  
WP(C) NO.282 OF 2023**

**Sri Antoni Banik**

..... **Petitioner**

Vs.

**The State of Tripura and anr.**

..... **Respondent(s)**

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For the Petitioner(s) : Mr. D. Bhattacharjee, Sr. Advocate.  
Mr. S. Saha, Advocate.

For the Respondent(s) : Mr. K. De, Addl. G.A.

Date of hearing and delivery of  
Judgment & Order : 11.01.2024

Whether fit for reporting : NO.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD**

**JUDGMENT AND ORDER(ORAL)**

Heard Mr. D. Bhattacharjee, learned Sr. counsel assisted by Mr. S. Saha, learned counsel appearing for the petitioner as well as Mr. K. De, learned Addl. G.A. appearing for the State-respondents.

2. The brief fact of this case is that the petitioner is a Graduate Teacher serving under the respondents at Noagaon Krishnanagar High School, Agartala West Tripura. In pursuance of information regarding an incident that happened inside the school premises involving the petitioner, respondent No.2 constituted a committee to enquire into the said matter and to submit a report. Thereafter, the Headmistress of the Noagaon Krishnanagar High School, Agartala, West Tripura lodged one FIR against the petitioner on 10.04.2022. Thereafter, vide order dated 16.07.2022, the learned Special Judge (POCSO) West Tripura discharged the petitioner from all

the charges leveled against him. The Departmental Authority after enquiry and trial, on 10.02.2023 found the petitioner not guilty of the article of charges framed against him. The respondent No.2 vide memorandum No. F.5(1-4009)SE-E(DP)/2021 dated 22.03.2023 being the disciplinary authority disagreed with the findings and decided to remit the inquiry report dated 08.02.2013 back to the Commissioner of the Departmental Enquiries for further inquiry.

Hence, the petitioner has filed this present writ petition seeking the following reliefs:-

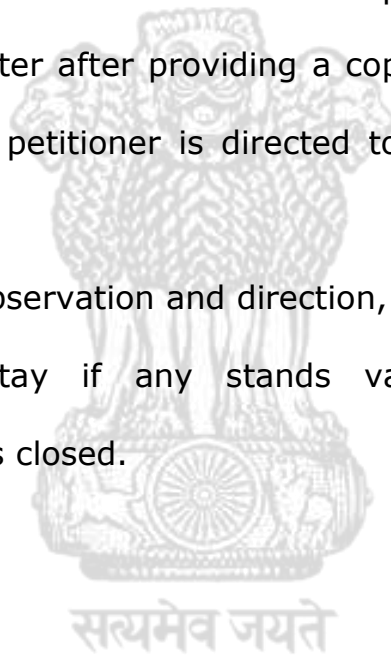
- " a. Admit the petition.
- b. Issue Notice upon the respondents.
- c. Call for records.
- d. After hearing the parties please to Issue a Writ in the nature of Mandamus directing the respondents and each of them to complete the Departmental proceeding vide memorandum No.F.5(1-4009)-SE-E(DP)/2021 dated 03.02.2022 vide case No.F.318/INQ/CDI/EDN/2022 forthwith and also issue a Writ in the nature of Mandamus directing the respondents and each of them to quash/set aside the memorandum No.F.591-4009)-SE-E(DP)/2021 dated 22.03.2023 forthwith and release the financial benefits of the petitioners along with interest forthwith and also stay the operation fo the further enquiry till disposal of the writ petition."

3. Mr. D. Bhattacharjee, learned Sr. counsel appearing for the petitioner submits that the petitioner has been exonerated from the article of charges framed under the disciplinary proceeding. Learned Special Judge by order dated 16.07.2022 also discharged the petitioner from criminal proceedings. However, respondent No.2 disagreed with the findings of the inquiry report dated 08.02.2023 and remitted the said findings for further inquiry. The petitioner since the aforesaid inquiry has been facing financial hardships and other benefits also have been withheld by the respondents. Even the copy of the report of the previous Departmental Enquiry report (findings) dated 08.02.2023 has not been provided to the petitioner herein.

4. Heard and perused the evidence on record.

5. This Court finds that the impugned memorandum dated 22.03.2023 which is under challenge suffers from no infirmities and the same is not defective. However, the petitioner is at liberty to make an application within one week from today seeking the copy Departmental Inquiry Report (findings) dated 08.02.2023. On the receipt of said application, the respondents shall furnish a copy of the said Departmental Inquiry Report (findings) dated 08.02.2023 to the petitioners within 2(two) weeks thereafter. The respondents are at liberty to proceed with the matter after providing a copy of the Inquiry Report dated 08.02.2023. The petitioner is directed to cooperate with the respondents.

6. With the above observation and direction, this present writ petition stands dismissed. Stay if any stands vacated. Pending application(s), if any also stands closed.



**JUDGE**

suhanjit

RAJKUMAR  
SUHANJIT  
SINGHA

Digitally signed by  
RAJKUMAR  
SUHANJIT SINGHA  
Date: 2024.01.12  
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