

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) 560/2024**

Sri Baishampayan Das, son of late Prangopal Das (father) and Mrs. Kalpana Das (mother), resident of Bidurkartha Chowmuhan, Krishnanagar, Agartala, West Tripura, Pin-799001

----Petitioner(s)

Versus

1. The State of Tripura, represented by the Secretary, Education, Secretariat, New Capital Complex, Agartala, West Tripura, Pin- 799010;
2. The Chief commissioner for Persons with Disabilities (Divyanjan), Department of Empowerment of Person with Disabilities (Divyanjan), Ministry of Social Justice and Empowerment, Government of India, 5th Floor, NISD Building, Plot No. G-2, Sector-10, Dwaraka, New Delhi-110075;
3. The State Commissioner for Persons with Disabilities, Government of Tripura, 2nd Floor (Room No. 4202) of Secretariat, New Capital Complex, Agartala, West Tripura, Pin-799010;
4. The Director of the Elementary Education, Government of Tripura, 3rd Floor of Siksha Bhawan, Agartala, West Tripura, Pin-799001;
5. The District Education Officer, West Tripura, Agartala, Pin-799006;
6. The Principal, Sukanta Academy English Medium H.S. School, Jirania, West Tripura, Pin-799045;
7. The Head Master, Sishubihar H.S. School, Agartala, West Tripura, Pin-799001

----Respondent(s)

For Petitioner(s)	:	Dr. ML Roy, Advocate
For Respondent(s)	:	Mr. Kohinoor N. Bhattacharjee, GA

HON'BLE MR. JUSTICE ARINDAM LODH
Order

02/09/2024

By means of filing the present writ petition, the petitioner has prayed for the following reliefs:

"(i) Issue Rule upon the Respondents to show cause as to why a Writ in the nature of Mandamus and/or order/orders and/or direction/directions of the like nature shall not be issued commanding the Respondents to consider the petition of the Petitioner for transfer of the Petitioner from Sukanta Academy English Medium H.S. School, Jirania, West Tripura, to his earlier

place of posting at Sishubihar H.S. School, Agartala, West Tripura, or nearby in consonance with Office Memorandum dated 08.10.2018 (Annexure-8) issued from the Department of Personnel and Training of the Ministry of Personnel, Public Grievances & Pensions, Government of India adopted by the Government of Tripura, vide dated 15.11.2021 (Annexure 9) and subsequent additional guidelines notified by the Government of Tripura vide Memo dated 29.11.2021 (Annexure-10).

(ii) Upon hearing the parties, make the rules absolute.

(iii) Call for records.

AND

Pass any further order/orders as this Hon'ble High Court consider fit and proper."

2. Heard Dr. ML Roy, learned counsel appearing for the petitioner. Also heard Mr. Kohinoor N. Bhattacharjee, learned GA appearing for the respondents-State.

3. It is stated in the petition that the petitioner is the care giver of his mother who is suffering from Schizophrenia and Retardation Locomotor Disability. At present, the petitioner is posted at Sukanta Academy English Medium H.S. School, Jirania, West Tripura which is allegedly 22 km. away from Agartala. He had been transferred from Sishubihar School, Agartala on November, 2023. By way of filing the present writ petition, the petitioner seeks for his re-transfer to his earlier school at Sishu Bihar, Agartala or any other school nearby his residence.

4. I have perused the pleadings made in the writ petition. There is no such statement in the writ petition which would reveal the number of years the mother of the petitioner had been suffering from Schizophrenia and Retardation Locomotor Disability. It is also not stated as regards the number

of family members in the family of the petitioner. In absence of any such statement, I am not satisfied that the petitioner is the only care giver of his mother. It is a mere statement only to take the advantage of the Government Circular dated 15.11.2021 issued by the Government of India and subsequent additional guidelines notified by the Government of Tripura vide Memo dated 29.11.2021.

5. 'Schizophrenia' is a kind of disorder affecting human behavior not visible always. Many persons having this disorder are engaged in government jobs and perform their normal duties. Sometimes, such persons suffer from hallucinations become disorganized and show abnormal behaviour, when one seems to be of split personality. However, this disorder can be managed and controlled by medicine. Any of the family members can manage it. In the instant case, the petitioner has not disclosed the status of his family members for the reasons best known to him.

6. The petitioner had been transferred to Sukanta Academy English Medium H.S. School, Jirania, West Tripura, in the interest of public. The grounds agitated by the petitioner in the writ petition cannot be considered as genuine ground to pass an order mandating the respondents to re-transfer him to a place of his choice. At the cost of repetition, I reiterate that the petitioner has approached this Court taking the advantage of the Circular dated 15.11.2021 issued by the Government of India and subsequent additional guidelines notified by the Government of Tripura vide Memo dated 29.11.2021.

7. As such, I do not find any merit in the instant writ petition. Accordingly, the instant writ petition stands dismissed.

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

JUDGE

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