



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

Case No. : WP(C)/242/2024

Smti Nyater Riba
Wife of Shri Tarasingh Gibo, JNC Campus, Pasighat, PO Hill Top PS Pasighat, East
Siang District, Arunachal Pradesh

VERSUS

The State of Arunachal Pradesh and 3 Ors
represented by the Secretary, Women and Child Development Department, Govt of
Arunachal Pradesh, Itanagar

2:The Director
Age: 0
Occupation :
Women & Child Development Department, Govt. of Arunachal Pradesh, Itanagar.

3:The Child Development Project Officer
Age: 0
Occupation :
Pasighat ICDS Project, District: East Siang, Arunachal Pradesh

4:Smti Yayi Riba
Age: 0
Occupation:
Supervisor (ICDS), Pasighat ICDS Project, PO/PS: Pasighat, District East Siang,
Arunachal Pradesh

Advocate for the Petitioner : Lissing Perme

Advocate for the Respondent : Mr. N. Ratan, Addl. Advocate General (AP)

**BEFORE
HONBLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

Date : 21-06-2024

Heard Mr. L. Perme, learned counsel for the petitioner and Mr. N. Ratan, learned Additional Advocate General, Arunachal Pradesh for the respondent Nos. 1, 2 and 3.

2. While serving as a Supervisor, Integrated Child Development Service Project (ICDS, in short) at Pasighat, the Director of Women and Child Development Department, Arunachal Pradesh, by order under No. DWCD-11/15/2021 dated 05.10.2023 transferred the petitioner from Pasighat and posted her in the same capacity at Namsai and by the same order the authority concerned also transferred the respondent No.4 from Namsai and posted her at Pasighat in place of the petitioner, directing the respondent No.4 to move first so as to release the petitioner.

3. Aggrieved by the said order of her transfer dated 05.10.2023, the petitioner earlier preferred a writ petition, being WP(C) No. 610(AP)/2023 stating that her husband is suffering from Tuberculosis and her children are in the mid academic session at Pasighat and she filed a representation before the Director, Women and Child Development Department to consider her transfer order that was yet to be disposed of.

4. After hearing, the Court by order dated 18.12.2023 disposed of said writ petition, preferred by the petitioner directing her to file a representation before the Director, Women and Child Development Department, Arunachal Pradesh within 3 (three) days from the date of said order dated 18.12.2023, observing further that on filing such representation by the petitioner, the Director of Women and Child Development Department, Arunachal Pradesh shall consider it and shall dispose of the same within 7 (seven) days and till disposal of the representation of the petitioner by the said Director, *status quo* in respect of the petitioner

shall be maintained.

5. While disposing of the said WP(C) No. 610(AP)/2023 preferred by the petitioner, the Court by the said order dated 18.12.2023 specified that it did not find any reason to interfere with the said transfer and posting order of the petitioner dated 05.10.2023 and observed further that transfer and posting of the respondent No.4 shall not be disturbed.

6. Pursuant to the said order of the Court, the petitioner submitted a representation before the Director of Women and Child Development Department, Arunachal Pradesh on 20.12.2023 and the said Director after considering the submissions of the petitioner disposed of her representation dated 20.12.2023 by order dated 26.12.2023 allowing the petitioner to remain and serve at Pasighat ICDS Project, till completion of Academic Session 2023-24 of her minor school going children.

7. It is stated that the Academic Session in the State of Arunachal Pradesh is from May to April. In the said order dated 26.12.2023, the Director of Women and Child Development Department, Arunachal Pradesh observed that the petitioner has already completed 3 (three) years of service in her present place of posting at Pasighat that is beyond the prescribed tenure of 2 (two) years as per Government norms and that her transfer order dated 05.10.2023 was made in the exigencies of service.

8. Pursuant to the said order of the Director of Women and Child Development Department, Arunachal Pradesh dated 26.12.2023, the Child Development Project Officer, Pasighat ICDS Project by order dated 10.06.2024 released the petitioner from her service at Pasighat w.e.f. 11.06.2024.

9. The petitioner has now filed this writ petition on 20.06.2024 stating that the Director of Women and Child Development Department, Arunachal Pradesh did not consider her representation dated 20.12.2023 reasonably as the said authority in its order observed that the husband of the petitioner should approach the concerned authority for his transfer and posting with his wife, i.e., the petitioner to be at Namsai, though there is no such equivalent post available at Namsai to accomodate her husband.

10. The petitioner submitted that since 01.01.2024 a post of Supervisor is lying vacant in the ICDS Project at Pasighat as one Smti. Yamen Jerang, Supervisor in the office of the Child Development Project Officer, Pasighat retired w.e.f. 31.12.2023 and in the said vacant post the petitioner should be considered.

11. Aggrieved with the said order of the Director of Women and Child Development Department, Arunachal Pradesh the petitioner on 29.01.2024 submitted a representation before the said authority and the petitioner stated that her said representation is pending for consideration.

12. Hence this writ petition filed by the petitioner on 20.06.2024, praying amongst others, for setting aside her transfer and posting order dated 05.10.2023 issued on 07.10.2023 by the Director of Women and Child Development Department, Arunachal Pradesh and to consider her representation dated 29.01.2024 and in the interim, to stay the impugned transfer and posting order dated 05.10.2023, transferring her from Pasighat and posting her as Supervisor at Namsai as well as to stay her release order from Pasighat dated 10.06.2024 till final disposal of this writ petition.

13. The Court in its earlier order dated 18.12.2023, passed in WP(C) No. 610(AP)/2022 that was preferred by the petitioner, as noted above, at paragraph-7 of the said order dated 18.12.2023 specified that "the Court did not find any reason to interfere with the said transfer and posting order dated 05.10.2023". The said order dated 18.12.2023, passed in WP(C) No. 610(AP)/2022 is not under challenge by the petitioner before any higher forum or did not file any application for its review. Moreover, as seen from the order dated 26.12.2023 of the Director of Women and Child Development Department, the prescribed tenure of a Government employee in the State of Arunachal Pradesh in a particular place of posting is for two years, whereas, the petitioner has already completed three years as a Supervisor of ICDS Project at Pasighat.

14. Considering her representation dated 20.12.2023, the Director of Women and Child Development Department, Arunachal Pradesh already allowed the petitioner to remain at Pasighat ICDS Project till completion of the academic Session of her minor children for the

period of 2023-24, which is already over and accordingly, the petitioner has been released from Pasighat w.e.f. 11.06.2024.

15. For the reasons above, the Court is not inclined to interfere with the impugned transfer and posting order dated 05.10.2023 issued on 07.10.2023, by the Director of Women and Child Development Department, Arunachal Pradesh transferring her as a Supervisor in the ICDS Project, from Pasighat and posted in the same capacity at Namsai. Moreover, this writ petition has been filed by the petitioner on 20.06.2024, after her release from the post of Supervisor, ICDS Project at Pasighat, enabling her to join at Namsai for compliance of the order dated 05.10.2023 issued on 07.10.2023, by the Director of Women and Child Development Department as well as the subsequent order dated 26.12.2023 issued by the said authority, noted above.

16. Since the Court did not find any merit in this writ petition, it is accordingly dismissed.

17. Needless to say, it is up to the petitioner that after her joining at Namsai, she may submit a representation before the respondent authorities, particularly, the Director of Women and Child Development Department, Arunachal Pradesh, for considering her transfer to Pasighat, if so advised.

JUDGE

Comparing Assistant