

**HIGH COURT OF TRIPURA  
AGARTALA**

**WA 23 of 2025**

**Sri Alindra Jamatia**

**---Appellant(s)**

**Versus**

**Tripura Tribal Areas Autonomous District Council and Ors**

**---Respondent(s)**

---

|                                                |   |                                                          |
|------------------------------------------------|---|----------------------------------------------------------|
| For Appellant(s)                               | : | Mr. P Roy Barma, Sr. Advocate.<br>Mr. K. Nath, Advocate. |
| For Respondent(s)                              | : | Mr. B. Debbarma, Advocate.                               |
| Date of hearing and date of judgment and order | : | <b>12.03.2025</b>                                        |
| Whether fit for reporting                      | : | No                                                       |

---

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

**Judgment and Order (Oral)**

*(T. Amarnath Goud, J)*

This is an appeal under Rule B(A) (General Rules for Writ Appeals) of Chapter VIII of the High Court of Tripura Rules, 2023, read with Article 226 of the Constitution of India, against the impugned Order dated 13.02.2025 passed in WP(C)2 of 2025.

[2] It is the case of the appellant that the appellant is serving as Kokborok Teacher under TTAADC. Alex Jamatia, 11 years old, is the disabled son of the appellant. Son of the Appellant is suffering from 80% speech and hearing disability. The appellant has been transferred by order, dated, 18.12.2024, passed by the Principal Officer, TTAADC, Khumlung, from Mailuma Model JB School under Inspector of School, Mandwi, TTAADC to Gobinda Bari SB School under Inspector of Schools, Chawmanu, TTAADC. The appellant submitted representation, dated, 23.12.2024, for revocation of the aforesaid transfer order, as being the care giver of the disabled minor son, the appellant is exempted from routine/rotational transfer. But no response has been given to the representation. Thereafter, the appellant filed W.P(C) 2 of 2025 before the this Court. Though initially the learned Single Judge stayed the transfer order, dated,

18.12.2024, but ultimately dismissed the writ petition. Hence the appellant filed Writ Appeal against the order of the learned Single Judge.

[3] It is represented by the appellant that the learned Single Judge failed to take into consideration that being the care giver of the disabled minor son, the appellant is exempted from routine/rotational transfer in terms of the Memo dated 08.10.2018 issued by the Director (Res), the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), Govt. of India and Memo, dated 15.11.2021 & 29.11.2021, issued by the Under Secretary to the Govt. of Tripura, GA (P&T) Department.

[4] It is further contended by the counsel for the appellant that learned Single Judge failed to take into consideration that the impugned office order dated 18.12.2024 issued by the Principal Officer, Education, TTAADC, has not been issued in public interest and also has been issued against the letter and spirit of the Right of Persons with Disabilities Act, 2016 and Memo, dated 18.12.2018 issued by the Govt. of India and Memo, dated 29.11.2021 issued by the Govt. of Tripura.

[5] In course of his submission, it is further contended that the learned Single Judge failed to take into consideration that the appellant was transferred vide Office order dated 17.05.2023 issued by the Principal Officer, Education, TTAADC and after receiving the representation from the appellant for modification of the office order, dated 17.05.2023 on the ground of disability of his younger son Alex Jamatia, the respondents considered the representation of the appellant and officer order dated 17.05.2023 so far the transfer of the appellant was concerned was not given effect to. Further he prayed to allow the appeal by setting aside the impugned order of the learned Single Judge.

[6] During the course of the submission, Mr. P Roy Barman appearing for the appellant has pointed two issues. “(i) the petitioner was transferred (ii) because of the

*misconduct of the petitioner, disciplinary proceeding was initiated.*” The order passed in the writ petition which is the subject matter in the present writ appeal, according to the petitioner, does not touch the main issues that too the point which is raised in the contention made in the counter affidavit by the respondent to say that the respondents are ready to consider the case of the petitioner for transferring him to any other neighbouring district or within the district. In view of the same, the said issues were not considered by the learned Single Judge. In the present appeal, the appellant is seeking the indulgence of the court challenging the impugned order passed by the learned Single Judge.

[7] On the contrary, the learned counsel appearing for the respondent has contended before this court that the impugned order is just and proper and needs no interference from this court. He further prayed to dismiss the appeal by confirming the order passed by the learned Single Judge.

[8] Heard.

[9] Admittedly it is seen from the record, *prima facie* unless a case is made out, it is not for any administrative ground or any *mala fide* intention or in contravention of law, the court would not normally interfere. Here is the case, where the case has not been made out on the point of transfer except the administrative ground on some other *mala fide* intention and also contrary to law, the said transfer has been affected.

[10] This court thinks it apposite to reproduce herein below the para no.6 of the counter affidavit of the respondents as appended with the writ petition being WP(C) 2 of 2025 for ready reference:

6. That, in view of the contention made from paragraph 8 to 20 of the present writ petition regarding the transfer of the writ petitioner and also per the order of this court the transfer order dated 18.12.2024 was kept in abeyance until further order of this Hon'ble High Court and the writ petitioner transfer order may be modified under the same District or other District which feasible to communicate to Agartala City if there is few numbers of Teachers from his present place of posting school considering his disable son health condition.

[11] In view of the above and also and in view of the contention of the respondents in the counter affidavit, this court grants liberty to the respondents to consider the case of the petitioner for transferring the petitioner from the existing place of posting to any other suitable place. On the other point of disciplinary action, it is seen from the record and in all fairness Mr. P Roy Barman, learned senior counsel has submitted before this court that on the ground of certain misconduct, the respondents have issued a show cause notice to which the reply has been submitted and no action has been initiated. This court leaves it open to the respondents to complete the disciplinary proceeding, if any, and take a decision as expeditiously as possible in accordance with law.

[12] With the above observation, the instant writ appeal stands disposed of. The impugned order dated 13.02.2025 passed in WP(C)2 of 2025 by the learned Single Judge stands modified to the extent as indicated above. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

**B.Palit, J**

**T. Amarnath Goud, J**

*Dipak*

**DIPAK  
DAS**

Digitally signed  
by DIPAK DAS  
Date: 2025.03.24  
16:48:24 +05'30'