

**HIGH COURT OF TRIPURA
AGARTALA**

**I.A. No.01/2025 in W.A. No.24/2025
W.A. No.24/2025**

Sri Baishampayan Das, S/O Lt. Prangopal Das (Father) and Mrs. Kalpana Das (Mother), resident of Bidurkarta Chowmuhani, Krishnanagar, Agartala, West Tripura, Pin:-799001.

..... Appellant/Applicant(s).

V E R S U S

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 Sikha Bhawan, Agartala, West Tripura, Pin:-799001.
5. The District Education Officer, West Tripura, Agartala, West Tripura, Pin:-799006.
6. The Principal, Sukanta Academy English Medium H.S. School, Jirania, West Tripura, Pin:799045.
7. The Head Master, Shishu Bihar H.S. School, Agartala, West Tripura, Pin:-799001.

.....Respondent(s).

For Appellant/Applicant(s) : Mr. P. Roy Barman, Sr. Advocate,
Mr. Dipjyoti Paul, Advocate.

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

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE S.D. PURKAYASTHA**

Order

08/04/2025

I.A. No.01/2025 in W.A. No.24/2025:

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. Dipjyoti Paul, learned counsel for the appellant/applicant and Mr. Karnajit De,

learned Addl. Government Advocate appearing for the respondents on the prayer for condonation of delay of 159 days in preferring the instant memo of appeal.

On consideration of the rival submission of learned counsel for the parties and the explanation urged and there being no serious objection to the prayer by learned counsel for the respondents-State, delay is condoned.

I.A. No.01 of 2025 stands disposed of.

W.A. No.24/2025:

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. Dipjyoti Paul, learned counsel for the appellant and Mr. Karnajit De, learned Addl. Government Advocate appearing for the respondents-State on the main appeal.

Petitioner/appellant, an undergraduate teacher, was transferred from Sishubihar H.S.School, Agartala to Sukanta Academy English Medium H.S. School, Jirania, West Tripura in November, 2023 where he joined also. Both the schools are separated by a distance of 22 Kms. Petitioner had made a representation before the respondent authorities on 03.07.2024 (Annexure-15) for reconsideration of his case for repatriation on the ground that his mother is suffering from various physical and other disabilities to the extent of 88%. He is the sole caregiver. Petitioner relied upon the provisions of the Rights of Persons with Disabilities Act, 2016 and the Circulars dated 15.11.2021 and 29.11.2021 (Annexure-9 & 10 respectively) in support of his prayer. However, the learned Writ Court declined the prayer.

Learned senior counsel for the petitioner submits that by now the petitioner has served for almost 18 months in the transferred place of posting.

In view of the debilitating health of his mother who suffers from multiple disability and is aged about 70 years, his request for posting at a place closer to his residence or in the same school from where he was transferred may be considered by the respondent authorities.

Mr. Karnajit De, learned Addl. Government Advocate, has opposed the prayer.

However, on consideration of the facts and circumstances noted above, we are of the opinion that an innocuous request has been made by the petitioner for consideration of his representation by the competent authority in accordance with law and the rules.

The competent authority under the respondents shall consider the representation made by the petitioner in accordance with law within a period of 8(eight) weeks from the date of receipt of the copy of this order.

In that view of the matter, the instant appeal is disposed of.

(S.D. PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ

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