

HIGH COURT OF TRIPURA
AGARTALA

W.P(C) NO.18 OF 2015

Sri Dhabal Debbarma,
 S/o Sri Suresh Debbarma,
 Resident of Ramnagar (Sutarmura),
 P.O. Ramnagar,
 PIN: 799102,
 District: Sepahijala,
 Tripura.

...Petitioner.

- Versus -

1. The Tripura Tribal Areas Autonomous District Council,

Represented by its Chief Executive Officer,
 Khumulwng, P.O. Khumulwng,
 District: West Tripura.

2. The Principal Officer, Education,

The Tripura Tribal Areas Autonomous District Council,
 Khumulwng, P.O.: Khumulwng,
 District: West Tripura.

3. The Deputy Inspector of Schools,

Head of Office & DDO,
 The Tripura Tribal Areas Autonomous District Council,
 Bishramganj, P.O. Bishramganj,
 District: Sepahijala,
 Tripura.

..... Respondents.

BEFORE
THE HON'BLE MR.JUSTICE S.C. DAS

For the Petitioner : Mr. C.S. Sinha, Advocate.

For the Respondents : Mr.T.D.Majumder, Advocate.

Date of hearing & : **27.04.2015.**
delivery of judgment
and Order.

Whether fit for reporting : **NO**

JUDGMENT & ORDER(ORAL)

Learned counsel Mr. C.S. Sinha for the petitioner and learned G.A., Mr. T. Dutta Majumder for the respondents are present.

2. Heard learned counsel of both side.

3. The case is taken up for final disposal at the admission stage itself.

4. By filing this writ petition, the petitioner challenged Memo dated 01.08.2014 (Annexure-3 to the writ petition) under which the respondents transferred him from Twisa Katar Haduk JB School to Gangajoy CP JB School.

5. The case of the petitioner is that on 17.05.1998 he joined in the post of Junior Social Education Organizer (for short, Jr. SEO) under the Tripura Tribal Areas Autonomous District Council and was posted at Tilakthakur Para under Sepahijala Inspectorate. Thereafter in the year 2009 he was transferred and posted at Twisa Katar Haduk JB School under Inspectorate of School, Bishramganj. In July, 2014, he fell seriously ill and some

part of his body was paralyzed. He was under treatment at Tripura Medical College & Hospital, Hapania and on 02.10.2014, the Tripura Medical College & Hospital advised him for further treatment at a higher centre. He is now under treatment of Apollo Gleneagles Hospital, Kolkata. While he was suffering from serious illness, on 01.08.2014 the respondents transferred him to Gangajoy CP JB School under Chailengta School Inspectorate which is far away from his residence and since he cannot move because of his illness he made representation but no action was taken on his representation. He, therefore, filed the writ petition challenging the order of transfer.

6. Respondents by filing counter affidavit contended that on the public interest the petitioner has been transferred and he is not suffering from any serious disease and that the Schools in the ADC area have been suffering seriously for which his transfer at Chailengta has been made. The petitioner all along was posted near to his house and when he has been posted away, he has been taking this or that plea to avoid the transfer.

7. On perusal of the documents of treatment filed by the petitioner, I find that he was under treatment at Tripura Medical College & Hospital and medical illness certificate issued by a Doctor of the said Medical College

dated 18.08.2014 shows that he was suffering from headache. Annexure-2 to the writ petition is a certificate issued by one Doctor Sisir Das of Apollo Gleneagles Hospital, Kolkata wherein it is mentioned that he is suffering from Epilepsy disease and he has certified that he cannot now travel long distance. No discharge certificate of either Tripura Medical College & Hospital or from Apollo Gleneagles Hospital, Kolkata has been submitted. If the petitioner attended Dr. Sisir Das of Apollo Gleneagles Hospital, Kolkata privately and a certificate issued on his request, I find no reason at all to attach much importance in such certificate.

8. It is submitted by Mr. Sinha, learned counsel for the petitioner that the petitioner with all his documents of treatment submitted a representation (Annexure-6 to the writ petition) to respondent No.2 on 10.10.2014 to consider his transfer order but that has not been considered as yet.

9. Learned counsel Mr. T. Dutta Majumder appearing for the respondents submitted that the petitioner has no illness at all and that when the transfer order was issued he was absenting from duties and now he is on unauthorized leave.

10. On perusal of the representation dated 10.10.2014, I find that it was submitted by Smt.

Mangalaxmi Debbarma who is the wife of the petitioner and that representation has not been disposed of.

11. Learned counsel Mr. Sinha has submitted that the respondents did not dispose of the representation dated 10.10.2014 which was received by the office of the respondents and that representation may be disposed of.

12. Since the representation dated 10.10.2014 submitted by the wife of the petitioner, seeking stay of transfer order has not been disposed of; the respondents may consider the prayer and the alleged illness of the petitioner and dispose the representation sympathetically. The petitioner may produce all documents relating to his treatment to his authority for consideration of his prayer in connection with his wife's prayer dated 10.10.2014 within 15 days from today and the respondents are directed to dispose the representation immediately and not later than 30 days from today.

13. With this observation, the petition stands disposed of.

JUDGE.