

Party Name : NARAYAN CH. DEY Vs THE STATE OF TRIPURA & ORS

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THE HONBLE MR. JUSTICE S.TALAPATRA

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Heard Mr. R. Dutta, learned counsel appearing for the petitioner as well as Ms. A.S. Lodh, learned Addl. G.A. appearing for the State-respondents.

In terms of the order dated 23.11.2015, Ms. Lodh, learned Addl. G.A. has submitted on instruction that where the petitioner is working at present is surplus of staff whereas the place where the petitioner has been transferred is short of the clerical staff. In view of that, the petitioner has been transferred on the administrative exigencies and there is no other intention to transfer the petitioner.

Mr. R. Dutta, learned counsel appearing for the petitioner has submitted that if the transfer order contained in the memorandum dated 15.10.2015, Annexure-1 to the writ petition, is implemented the petitioner's entirely family would be jeopardised as his old mother will have to be left uncared inasmuch as there is no other person in the family to support her. Immediately after receipt of the transfer order vide memorandum under No.F.1(2-4)--E-E(NG)/2015(L-2) dated 15.10.2015, the petitioner filed a representation for cancellation or modification of the of the said transfer order, which is available at Annexure-2 to the writ petition.

Mr. Dutta, learned counsel appearing for the petitioner has further submitted that the said representation was not attended to, by the competent authority compelling the petitioner to approach this Court by filing this writ petition.

From the other side, Ms. A.S. Lodh, learned Addl. G.A. has submitted that the competent authority, the Director of School Education should have considered such representation and made the outcome known to the petitioner.

Having regard to this aspect of the matter, this writ petition is disposed of with the following direction:

The respondent No.2, the Director of School Education is directed to consider the representation of the petitioner that was filed on 12.11.2015, Annexure-2 to the writ petition, within a period of one month from today. Irrespective of the outcome of the said consideration, the petitioner shall not be released from his present place of posting for a month and be allowed to continue in the present place of posting on consideration of the mitigating circumstances.

There shall be no order as to costs.