

(2005) 09 GAU CK 0001

In the Gauhati High Court

Case No : CM Application No. 344 of 2005 in W.P.(C) No. 329 of 2005

Jogendra Debbarma

APPELLANT

Vs

Tripura Tribal Areas Autonomous District Council and Ors.

RESPONDENT

Date of Decision : 28-09-2005

Acts Referred:

Citation : (2008) 4 GLR 411

Hon'ble Judges : T.Vaiphei, J

Bench : Single Bench

Advocate : Koushik Roy, Advocates appearing for Parties

Judgement

Heard Mr. K. Roy, learned counsel appearing for the petitioner. None appears for and on behalf of the respondents even though notices have been properly served upon them.

This is an application filed by the petitioner for staying the impugned order dated 12.8.2005 transferring him to Kablaiha R.P. J.B. School under the Inspector of School, Gandacherra, TTAADC. It is the case of the petitioner that the transfer order is issued mala fide. The law is settled that the High Court in exercise of its writ jurisdiction do not normally interfere with the transfer order issued by the competent authority unless mala fide is proved. In the instant case, the petitioner in para14 of the writ petition has asserted that he has been transferred on political reason. The allegations made against the respondents by the petitioner are quite serious. In the absence of affidavit filed by the respondents denying those charges and when no representation is made on their behalf despite service of notices upon them, I am of the opinion that the petitioner has made out a prima facie case. In the result, pending disposal of the writ petition, the transfer of the petitioner in the impugned order dated 12.8.2005 shall not be acted upon by the respondents.

C.M. Application stands allowed and disposed of.