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IN THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM: NAGALAND: MEGHALAYA: MANIPUR: TRIPURA:
MIZORAM AND ARUNACHAL PRADESH)
ITANAGAR PERMANENT BENCH

Appeal From
Writ Petition (Civil)

WP(c) No. 285 (AP) 2010

Ms. Kasumoti Tayeng

Appellant
Petitioner.

-Versus-

The State Project Director & 3 others,
Respondent
Opposite Party.

Counsel for the Appellant
Petitioner.

Mr. Tonning Peleim
" R. Pait
" C. Mali
Ms B. Lego

Counsel for the Respondent
Opposite Party.

GA AP.
Mr. P. Taffo,
Ms. N. Sanggen.
Mr. T. Gyaedi } for R-4.
" T. Tapu
Ms J. Soji

Noting by Officer or Advocate (1)	Serial No. (2)	Date (3)	Office note, reports, orders or proceeding with signature (4)

IN THE MATTER OF :

Ms Kasumoti Tayeng,

Daughter of Sri Danggan Tayeng

A/T at Govt. M.E. School Geying. P.O. Geku

Upper Siang District

Arunachal Pradesh.

.....(PETITIONER.)

-VERSUS-

1. The State Project Director,

Rajya Mission Itanagar

Arunachal Pradesh.

- 4 -

2. The DDSE Cum DPO, Pasighat
East Siang district Arunachal Pradesh.
3. The DDSE Cum DPO, Yingkiong
Upper Siang district Arunachal Pradesh
4. Ms Naying Megu
A/T at Govt. Primary school Borguli
Under East Siang District
Arunachal Pradesh

..... (RESPONDENTS)

BEFORE
THE HON'BLE MR. JUSTICE P K MUSAHARY

11.01.2011

Heard Mr. C. Modi, learned counsel for the petitioner.

Also heard Mr. N. Lowang, learned addl. Senior Government Advocate, for State respondents, and Mr. P. Taffo, learned counsel appearing for private respondent No. 4.

Both the petitioner and private respondent No. 4, once approached the Government for mutual transfer. On the basis of such request, order dated 16.06.2010 was issued by the State Project Director, SSA Rajya Mission, Itanagar, for mutual transfer between the petitioner and private respondent No. 4.

After issuance of the said transfer order, the private respondent No. 4 filed representation dated 23.06.2010 praying for cancellation of the aforesaid transfer order, for the reason that she had to look after her aged grandmother and there is none other than her, to look after the aged grandmother. On the basis of such request, the respondent No. 1 issued the impugned order dated 08.07.2010 thereby cancelling the transfer order dated 16.06.2010.

The private respondent No. 4 has filed counter affidavit, stating, inter alia, that she did not agree to the mutual transfer and it was the petitioner who went to Itanagar and relentlessly pursued the authorities concerned for transfer.

To the said counter affidavit, the petitioner did not file any rejoinder. For want of such rejoinder, it can be accepted that averments made by private respondent No. 4 in her counter affidavit, has not been denied or controverted by the petitioner.

There is no denial to the fact that there was a mutual transfer order between the petitioner and private respondent No. 4 but the said transfer order was not given effect to as both the petitioner and private respondent No. 4 are still serving at their respective places of posting.

PK

Under the attending facts and circumstances of the case at hand, I am of the considered view that no writ could lie and no direction could be issued setting aside or quashing the impugned order dated 08.07.2010.

This writ petition is bereft of any merit and the same, accordingly, stands dismissed. However, there shall be no order as to costs.


JUDGE

Bikash