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HIGH COURT OF TRIPURA  
AGARTALA

**I.A. No.01/2021 in WP(C)(PIL) No.05/2021**

**Along with**

**I.A. No.01/2021 in WP(C) No.346/2021**

**I.A. No.01/2021 in WP(C) No.350/2021**

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For Applicant(s) : Mr. S.S. Dey, Advocate General,  
Mr. Debalay Bhattacharjee, G.A.,  
Ms. A. Chakraborty, Advocate,  
Mr. S. Saha, Advocate.

For Respondent(s) : Mr. P. Roy Barman, Sr. Advocate,  
Mr. Somik Deb, Sr. Advocate,  
Mr. Samrat Kar Bhowmik, Sr. Advocate,  
Ms. R. Guha, Advocate,  
Mr. Samarjit Bhattacharjee, Advocate,  
Mr. Kawsik Nath, Advocate,  
Mr. M. Debnath, Advocate,  
Mr. Jyotishmay Das, Advocate,  
Ms. A. Debbarma, Advocate,  
Ms. S. Chisim, Advocate.

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**HON'BLE THE CHIEF JUSTICE MR. INDRAJIT MAHANTY**  
**HON'BLE MR. JUSTICE S.G. CHATTOPADHYAY**

**Order**

**20/12/2021**  
**(Indrajit Mahanty, C.J.)**

This interim application has come to be filed by the State of Tripura praying for leave to order suitable posting to Dr. Sailesh Kumar Yadav, IAS on completion of inquiry.

On perusal of the order sheet it appears that on 03.05.2021 this Court as an interim measure directed that an impartial fact finding inquiry regarding the incident and the role played by the D.M. which is absolutely

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imperative; it would be essential that he is shifted out of Agartala. It appears that by subsequent order dated 05.05.2021 this Court took cognizance of the submission advanced by the learned Advocate General that the District Magistrate in question had been divested of all charges and had proceeded on leave for 12 days. In response to such submission this Court by the said order took note of the fact that the State had constituted a two member inquiry committee under order dated 28.04.2021. The said committee constituted by the State was expanded to include Mr. Subhash Sikdar, a retired District and Sessions Judge, as an additional member in the said committee as directed by this Court vide order dated 05.05.2021. It appears that subsequent to the re-constitution of the committee, a report was submitted before this Court on 26.05.2021. After the committee submitted its report dated 26.05.2021, this Court by order dated 02.06.2021 directed the committee to carry out further inquiry to ascertain under whose order the members of the marriage party including the women and children were detained at the police station. Committee submitted its report on 16.06.2021. The Court then appointed a one-man committee chaired by Sri Bamdeb Majumder, retired District and Sessions Judge, by an order dated 20.08.2021 to carry out further inquiry into the matter and submit a report on 27.09.2021 in sealed cover and time was extended for submitting the report thereafter. The report of the one-man committee was submitted on 04.10.2021.

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It is also pertinent to point out herein that by a subsequent order dated 29.11.2021, this Court granted learned counsels for all parties to inspect the said reports on terms and conditions contained in the said order. After perusing the said reports, the parties were at liberty to take notes of the said reports to advance their arguments on merits. At this stage, the present interim application has come to be filed.

It is submitted by the learned Advocate General that since the requirement of the D.M. to be transferred was the pendency of the inquiry and the inquiry in the meantime has been concluded and reports have been submitted before this Court and further since it is asserted that the State has shortfall of officers for necessary postings, prayer has been made to permit the State to transfer and post the said officer in any appropriate place.

Learned counsel appearing for the petitioner submitted that the reports essentially have gone against the officer concerned and, therefore, this Court should take cognizance of the said report at the present stage and not give liberty to the State to appoint the officer, as prayed for.

On consideration of the circumstances as noted hereinabove, this matter [*WP(C)(PIL) No.05 of 2021* and other connected matters] is posted on **07.02.2022** for arguments. However, since the inquiry report has been submitted before this Court, the acceptance of the said report and what action can be taken pursuant to this Court's direction will be the subject matter of

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adjudication in final hearing of this case. In view of the fact that the inquiry has been concluded and reports by the original three member committee and one-man committee have already been submitted before this Court and the apprehension of any interference in course of the inquiry no longer subsists, we grant the prayer made by the State and we allow the interim application granting liberty for the posting of the D.M. in any appropriate place. However, it is made clear that instructions must be given to the officer concerned not to in any manner intimidate and/or involve himself against the persons who have made complaints and against witnesses who may have given evidence before the inquiry officer.

I.A. stands disposed of.

**(S.G. CHATTOPADHYAY), J**

**(INDRAJIT MAHANTY), CJ**

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