

GAHC010106742025



undefined

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/2732/2025

ASSISTANT SUB-INSPECTOR MALATI DEVI
FORCE NO. 973030021, D/O. LATE SURJYA KANTA NATH, R/O. HOUSE NO.
695, NEAR LACHIT NAGAR BUS STOP, P.O. ULUBARI, P. S. PALTAN BAZAR,
DIST. KAMRUP (M), ASSAM, PIN 781007.

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF HOME AFFAIRS, NEW
DELHI-110003.

2:THE DIRECTOR GENERAL
CENTRAL RESERVE POLICE FORCE
CENTRAL GOVT. OFFICE COMPLEX
NEW DELHI- 110001.

3:THE DEPUTY INSPECTOR GENERAL
(ESTABLISHMENT) OFFICE OF THE DIRECTORATE GENERAL
CENTRAL RESERVE POLICE FORCE
CENTRAL GOVT. OFFICE COMPLEX
NEW DELHI- 110001.

4:THE INSPECTOR GENERAL OF POLICE
NORTH EASTERN SECTOR CENTRAL RESERVE POLICE FORCE
SHILLONG
MEGHALAYA
PIN 793001.

5:THE DY. INSPECTOR GENERAL OF POLICE
CENTRAL RESERVE POLICE FORCE
GROUP CENTRE
AMERIGOG

PIN 781316.

6:THE COMMANDANT
GROUP CENTRE
AMERIGOG
GUWAHATI
9TH MILE
CENTRAL RESERVE POLICE FORCE
ASSAM
PIN 781316

Advocate for the Petitioner : MR. R MAZUMDAR, MR. R DEKA,MS T WAPANGLA,MR P RAI

Advocate for the Respondent : DY.S.G.I.,

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 23-05-2025

Heard Mr. R. Mazumder, learned counsel for the writ petitioner.

Perused the averments made in the writ petition.

The writ petitioner who is serving as an Assistant Sub-Inspector in the Central Reserve Police Force (CRPF) and is presently posted at Group Centre at Guwahati, has approached this Court by filing the present writ petition virtually assailing the order of promotion dated 31-01-2025 and the consequential transfer order posting her to the 232(M) Bn, CRPF located at Durgapur, West Bengal on the ground that the petitioner is the sole care giver of her aged mother who is suffering from Alzheimer/ dementia/ atrophy of brain and therefore, she needs constant care in order to survive. Under such circumstances, if the impugned transfer order is implemented then the same would result into irreparable injury to the interest of the petitioner and her mother.

Mr. Mazumder has submitted that his client is even willing to forgo the promotion in order to remain at Guwahati so as to continue to be the care giver of her ailing mother.

The prayer has been resisted by Mr. A.K. Dutta, learned CGC on the ground that the representation submitted by the writ petitioner on earlier occasion on the same ground had been considered and rejected by the authorities. Mr. Dutta has, however, submitted in his usual fairness that the respondents are not disputing the claim of the petitioner that she is the sole care giver of her ailing mother who is suffering from diseases such as Alzheimer/ dementia/ atrophy of brain.

While dealing with a matter of this nature, the Court has to bear in mind the fact that in this petition it is not only the petitioner who is before the Court seeking relief but for all practical purposes, even her ailing mother, who appears to be voice less and therefore, unable to protect her own interest is also before this Court. If the petitioner's mother is unable to take care of herself and the petitioner is the sole care giver of her mother who is suffering from serious diseases, the matter would undoubtedly lie within the domain of Article 21 of the Constitution of India. Therefore, the Court will have to deal with such matters with extreme caution and sensitivity. Situated thus, I am of the opinion that the matter would call for further examination.

Issue notice of motion returnable in 06 weeks.

Since Mr. Dutta has accepted notice on behalf of all the respondents, no formal notice is required to be sent in this case.

Extra copies of the writ petition, requisite in numbers, be furnished to Mr. Dutta

within a week from today.

Heard on the prayer of interim relief.

Having regard to the facts and circumstances of the case, it is hereby directed that *status quo* as regards the present place of posting of the petitioner at Guwahati be maintained until further order(s).

Consequently, the movement order *qua* the writ petitioner dated 20-05-2025 shall remain suspended until further order.

JUDGE

Comparing Assistant