

**HIGH COURT OF TRIPURA
AGARTALA**

REVIEW PETITION NO.9 OF 2023

The State of Tripura
Vs.
Sri Dipankar Saha Roy

**HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR JUSTICE ARINDAM LODH**

Present:

For the Petitioner(s) : Mr. D. Bhattacharjee, G.A.
Mr. K. De, Addl.G.A.
Mr. Soumyadeep Saha, Advocate.
For the Respondent(s) : None.

04.04.2023

Order

This present petition has been filed under Chapter V-A of the Gauhati High Court Rules read with Order 47 Rule 1 of the Code of Civil Procedure for reviewing the Judgment and Order dated 19.12.2022 passed by this Court in WP(C) No.736 of 2022.

The brief fact of this present petition is that the respondent in the instant case had filed a writ petition vide No.WP(C) No.736 of 2022 for quashing and canceling the Notification dated 15.07.2022, issued by the TRBT so far it relates to the notified vacancies and also sought direction to issue fresh notification for filling up of 230 post of graduate

teachers (Class IX-X) (STGT). By a Judgment dated 19.12.2022, this Court interfered with to the extent that the number of vacancies carried forward shall not be given effect to, since it will affect the process of recruitment of different Departments, under the Government of Tripura, especially the provision relating to filling up of accumulated unfilled reserved vacancies. The review petition herein has filed this petition praying for the following reliefs:-

" i) For that, since the Constitutional amendment has given wide power and specific steps to carry forward the earmak vacancy which supersede the Tripura SC & ST Reservation Act, 1991 and thereby the findings of this Hon'ble Court is required to be reviewed by calling the directions.

ii) For that, the State Government has been adequately empowered to fill up the unfilled vacancies accumulated over previous succeeding years through the recruitment process as per the advertisement dated 15.07.202 in as much as in terms of Article 16(4B) of the Constitution of India.

iii) For that, the Tripura Scheduled Castes and Scheduled Tribes Reservation Act, 1991 have procedure for de-reserving the seats in contrast to the direction of the Hon'ble Supreme Court and the Constitutional provisions and thus the impugned direction is required to be reviewed.

iv) For that, without cancelling the advertisement no rearrangement of seats already advertised can be followed as the same will invite the infringement of the right of the candidates as well as opening a numerous litigations and therefore the impugned Judgment and Order is required to be reviewed."

Today the matter came up in the motion stage and heard Mr. D. Bhattacharjee, learned G.A. assisted by Mr. K. De, learned Addl. G.A. as well as Mr. S. Saha, learned counsel for the petitioner.

In terms of the facts and circumstance of this present review petition, this Court is of the view that, if suppose there is any wrong interpretation made by this Court in the Judgment and

Order passed in the said writ petition, filing a review petition is not the proper recourse, the review petitioner has to prefer an appeal. Accordingly, this present review petition is dismissed and the impugned Judgment and Order is confirmed.

As a sequel, pending application(s), if any also stand closed.

JUDGE

CHIEF JUSTICE (ACTING)

suhanjit

