

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.241 OF 2023**

Shri Badal Chakraborty
Vs.
The State of Tripura and anr.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Petitioner(s) : Mr. C.S. Sinha, Advocate.
For the Respondent(s) : Mr. K. De, Addl. G.A.

19.04.2023

Order

This present writ petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:-

- " a) Admit the petition.
- b) Call for the records.
- c) Issue writ in the nature of certiorari calling up the respondent to show cause as to why the Order No.F.8(1-346)-LC/PR/2021/15824 dated 7-9-2022 should not be declared illegal and bad in law.
- d) Issue in the nature of mandamus calling upon the respondents as to why the petitioner should not be appointed to the post of Panchayat Secretary to which other who joined with him and have been given regular appointment.
- e) Pass any other Order/orders as Your Lordship may deem fit and proper in this case and for this act of kindness, the petitioner as in duty bound shall every pray."

Heard Mr. C.S. Sinha, learned counsel appearing for the petitioner as well as Mr. K. De, Addl. G.A. appearing for the respondents.

The petitioner herein has challenged the proceeding order No.F.8(1-346)-LC/PR/2021/15824 dated 07.09.2022. The petitioner earlier filed a WP(C) No.586 of 2021 seeking relief before this Court for considering his case for appointment as a contingent worker and since his case was not considered, he preferred this present writ petition. In the earlier round of litigation, vide order dated 30.06.2022, the same was disposed of with a direction upon the respondents to consider the Advocate's notice dated 16.09.2019 issued on behalf of the petitioner in accordance with law within a period of 2(two) months from the date of receipt of the copy of that order.

The respondents examined the request of the petitioner and by order dated 07.09.2022 which is impugned herein, the request of the petitioner was rejected on 2(two) grounds:-

- 1) That presently there is no vacant post of Contingent Worker/DRW under the Directorate of Panchayets wherein the petitioner can be re-engaged as Contingent Worker/DRW.

2) The age of the petitioner is 54 years and accordingly, he has crossed the upper age limit for considering his case as the age limit is 40 in the case of UR Candidates and 45 in the case of ST/SC candidates and accordingly, he falls under disqualification.

The petitioner herein has challenged the said order. I have perused the impugned order. The impugned order suffers from no infirmity since the case of the petitioner has already been considered. There is no vacancy for the present and considering his case in the near future is also not possible since he has crossed the age limit. Hence, this Court finds no legal infirmities in the order passed and accordingly, the writ petition needs no indulges, and the same is dismissed.

As a sequel, stay if any stands vacated. Pending application(s), if any, also stands closed.

JUDGE