

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WP(C) No.344 of 2021

For Petitioner(s) : Ms. R. Purkayastha, Advocate.
For Respondent(s) : Mr. B. Majumder, Deputy SGI.
Mr. K. De, Addl. G.A.
Mr. S. Saha, Advocate.

HON'BLE THE CHIEF JUSTICE [ACTING]
_O_R_D_E_R_

12/04/2023

Heard.

The present petition has been filed for a direction upon the respondents to transmit the record relevant to the subject matter of the writ petition, for rendering substantial and conscionable justice to the petitioner and for setting aside the impugned policy decision taken by the Government of Tripura in the meeting of the Council of Ministers held on 28.06.2016 wherein, the proposal for regularization of 42 SPQEM Madrasa Teachers had not been accepted. Further, to regularize the service of the petitioners in terms of the judgment passed by this Court in view of Clause-8 of minutes of meeting of State Level Madrassa Advisory Committee held on 31.12.2009. Also, to re-fix the salary of the petitioners in terms of the memo dated 13.10.2017 issued in pursuance to the cabinet decision of the Council of Ministers held on 27.09.2016 and thereby the arrears of salary w.e.f. the date of decision.

The petitioners have prayed for the following reliefs:

- i. Issue rule calling upon the respondents and each one of them to show cause as to why a writ of certiorari and/or in the nature thereof, shall not be issued, for quashing/setting the impugned policy decision taken by the Government of Tripura in the meeting of the Council of Ministers held on 28.06.2016 (Annexure-G) wherein the proposal of regularization of 42 SPQEM Madrasa Teachers had not been accepted.
- ii. Issue rule calling upon the respondents and each one of them to show cause as to why a writ of mandamus and/or in the nature, shall not be issued, for mandating/directing the respondents, to regularize the service of the petitioners in terms of the judgment passed by this Hon'ble Court in

view of Clause-8 of minutes of Meeting of State Level Madrassa Advisory Committee held on 31.12.2009 in the office chamber of the Hon'ble Minister of Tripura for Health and School Education DTC. Deptt. at New Capital Complex with retrospective effect from 01.01.2010 and to give retrospective effect of the regular service with pay from the date of appointment and to pay the arrears of salaries and other benefits accrued time to time there from.

iii. Issue rule calling upon the respondents and each one of them, to show cause as to why writ of mandamus and/or in the nature, shall not be issued, for mandating/direction the respondents, to re-fix the salary of the petitioners in terms of the memo vide No.F.13 (4)-DEE/MADRA/2016(1)/1735 dated 13.10.2017 issued in pursuance to the cabinet decision of the Council of Ministers on 27.09.2016 (Annexure-1) and thereby pay the arrears of salary w.e.f. the date of decision.

iv. Call for the records appertaining to this petition.

v. Costs of an incidental to this proceeding.

vi. Any other relief(s) as to this Hon'ble High Court may deem fit and proper.”

The facts in brief are that a meeting of the Madrassa Advisory Committee was held on 31.12.2009 and vide Clause-8 of the Minutes of Meeting dated 03.02.2010, the Madrassa Advisory Committee resolved to initiate the process of regularization of 127 Nos. of existing Modernized Madrassa Teachers. Further, it was resolved to bring their service under Grant-in-Aid Scheme and that regular scale of pay will be provided to them as per their qualification.

Thereafter, they shall be posted in the 51 GIA. But since no action has been taken therefore, the petitioners approached this Court wherein the Court directed the respondents to reconsider their decision. But subsequent thereto, the respondents have regretted the proposal of regularization of the petitioners on ground of scarcity of fund and sought for assistance from the Central Government. But till date no action has been received from the Union of India.

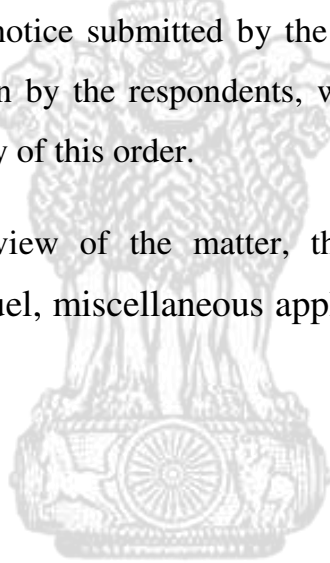
Another aspect is that on 27.09.2016, the council of ministers by cabinet decision has approved the proposal that the salary of the SPQEM Teachers shall be enhanced at par the rate of salary of the State Government Teachers and in pursuance to that decision by memo dated 13.10.2017, the

UGT shall get Rs.21,662/- per month, GT @ Rs.27,365/- per month and PGT @ Rs.34,579/- per month w.e.f. October, 2017 whereas, the petitioners who are UGTs, are getting only Rs.17,038/- per month, petitioners who are GTs are getting only Rs.22,220/- per month and the petitioners who are PGTs are getting only Rs.27,200/- per month.

Hence, the present petition has been preferred by the petitioner before this Court for redress.

In view of above and having heard the learned counsel appearing for the parties, without expressing any opinion on the merits, this Court is of the considered opinion that ends of justice would be met if the writ petition is disposed of directing the respondents to consider the case of the petitioners in the light of the legal notice submitted by the petitioners as well as the reply dated 22.01.2016 given by the respondents, within a period of three months, after receipt of the copy of this order.

In that view of the matter, the present writ petition stands disposed of. As a sequel, miscellaneous applications pending, if any, shall stand closed.



CHIEF JUSTICE [ACTING]

A. Ghosh