

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.342 of 2023

Smt. Runu Debbarma

.....Petitioner(s)

Versus

The State of Tripura and others

.....Respondent(s)

along with

WP(C) No.353 of 2023

Smt. Pramila Debbarma

.....Petitioner(s)

Versus

The State of Tripura and others

.....Respondent(s)

WP(C) No.354 of 2023

Smt. Jamuna Debbarma

.....Petitioner(s)

Versus

The State of Tripura and others

.....Respondent(s)

For Petitioner(s) : Mr. S. Dey, Advocate.

For Respondent(s) : Mr. Debalay Bhattacharya, G.A.,
Mr. Raju Datta, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

Order

03/08/2023

Heard Mr. S. Dey, learned counsel for the petitioners and Mr. Debalay Bhattacharya, learned Government Advocate for the respondents-State. Also heard Mr. Raju Datta, learned counsel for the respondents-TPSC.

2. All these writ petitions are tagged together by order dated 03.06.2023 in WP(C) No.354/2023, as they raise same issue. They are being heard and disposed of by this common order today.

3. Petitioner Smt. Runu Debbarma applied under Advertisement No.11/2022 for being appointed as an Assistant Professor under the

respondents on the strength of her claim that she has teaching experience as Guest Lecturer in Kokborok subject in Ramkrishna Mahavidyalaya, Kailashahar. Her experience as Guest Lecturer has not been counted in computing the API score relying upon Clause-10.0 (Para-a to f) of the UGC Regulations, 2018. The Scrutiny Committee has evolved a novel method for counting the teaching score, though the Advertisement No.11/2022 dated 18.04.2022 published by the Tripura Public Service Commission does not prescribe therefor. This petitioner had joined as Guest Lecturer in Ramkrishna Mahavidyalaya, Kailashahar in 2012. She has completed her Diploma in Kokborok subject from Tripura University in the same year and also Masters in the same language in the year 2018. She has been engaged as Guest Lecturer by memorandum dated 25.07.2012 till 2017. Petitioner also seems to have made a representation before the respondent No.3 to 5 in terms of the notification dated 23.12.2022 to count her service rendered as a Guest Lecturer in the said Mahavidyalaya from 2012 till 2017.

4. Petitioner Smt. Pramila Debbarma, also has made a similar grievance that her teaching experience as Guest Lecturer in Kokborok subject in MBB College, Agartala has not been counted in computing the API score relying upon Clause-10.0 (Para-a to f) of the UGC Regulations, 2018. She has staked a claim for counting her service as Guest Lecturer in MBB College, Agartala w.e.f. 2014 till 2019. She had completed her 3 years Degree Course under Tripura University in the year 2010 in the same subject and Masters in the year 2018.

5. Petitioner Smt. Jamuna Debbarma has also staked a claim for counting her tenure as Guest Lecturer in Dasaratha Deb Memorial College,

Khowai from the period 2011 to 2015 in the subject of Kokborok which has not been counted as teaching experience relying upon Clause 10.0 (Para-a to f) of the UGC Regulations, 2018 in the recruitment exercise under the same Advertisement No.11/2022.

6. In all the writ petitions, Counter Affidavits have been filed and a common stand has been taken. The respondents have contended that petitioners have consciously participated in the selection process and now cannot turn around to question the procedure followed by the Tripura Public Service Commission for computation of 2(two) marks each for each year towards teaching experience as per the criteria prescribed by the Selection Committee and approved by the Commission in conformity with Clause 10.0 of the UGC Regulations, 2018. The Clause 10.0 of UGC Regulations in particular, Clause 10.0(e) of UGC Regulations, 2018 prescribes that previous appointment should not be as a Guest Lecturer for any duration. For counting of past service, Clause 10.0(f) has been adopted by the Commission. It is submitted that the petitioners, therefore, do not have a valid claim for counting their services as Guest Lecturer for computation of API score for preparation of the merit list.

7. Mr. Raju Datta, learned counsel for the respondents-TPSC, has relied upon a single bench decision of this Court in WP(C) No.950/2022 dated 10.11.2022 in the case of *Sri Kanu Nath v. The State of Tripura & 2 others*, which is also related to the same grievance of counting the tenure as Guest Lecturer in the subject of History under Advertisement No.08/2020 towards computation of API score. However, it is submitted that the Writ Court declined the relief taking note of the fact that the term of Guest Lecturer can, in

no way, be counted for the purposes of computation of API score in view of Clause 10.0(e) of the UGC Regulations, 2018.

8. Mr. Debalay Bhattacharya, learned Government Advocate for the respondents-State and Mr. Raju Datta, learned counsel for respondents-TPSC, have also relied upon a recent judgment and order rendered by this Court in WP(C) No.90/2023 and other connected matters dated 17.05.2023, whereby the learned Court has approved the procedure adopted by the Selection Committee and the Tripura Public Service Commission for counting of teaching experience in terms of Clause 10.0(f) of the UGC Regulations, 2018. It is submitted that the issue, raised in the instant matters, is squarely covered by the aforesaid decisions. No new grounds have been raised by the writ petitioners.

9. Mr. S. Dey, learned counsel for the petitioners, has not been able to rebut the specific contention of the respondents that the issue is no longer *res integra*. The tenure of service as Guest Lecturer in a college cannot be taken into account for counting teaching experience in view of the fact that it is proscribed by Clause 10.0(e) of the UGC Regulations, 2018.

10. I have considered the submission of learned counsel for the parties, taken note of the material facts pleaded from the record and also the enclosed annexures. The cause of action raised by the writ petitioners hinges upon the legal issue as to whether the period of service spent by these petitioners as Guest Lecturer in Kokborok subject could be counted for computing the API score under the Advertisement No. 11/2022 published by the Tripura Public Service Commission or not? This issue, however, is no longer *res integra*. In the decision rendered by this Court in the case of **Dr. Jayanta Dhar v. The**

State of Tripura & others in WP(C) No.90/2023 and other connected matters, this Court has, after considering the rival submission of the parties, the terms of the advertisement and the UGC Regulations of 2018, answered the issue in the following terms:

“13. The combined reading of the advertisement along with Annexure-A in particular unerringly points out to the criteria prescribed under UGC Regulations, 2018 as amended from time to time. For counting of Teaching Experience, the Scrutiny Committee referred to Clause-10.0 of the Regulations of 2018 (extracted hereinabove). Clause (f), in particular, deals with the case of the present petitioners as two of them Dr. Jayanta Dhar and Dr. Anindita Choudhury have submitted their applications claiming Teaching Experience as Assistant Professor in ICFAI Law College, Tripura [which are at page-51, Annexures-12 to WP(C) No.90 of 2023 and at page-49, Annexure-10 to WP(C) No.1021 of 2022 respectively] along with appointment letter dated 14.06.2019 in respect of petitioner Dr. Jayanta Dhar [at page-36, Annexure-7 to WP(C) No.90 of 2023] and appointment letter dated 20.07.2017 in respect of petitioner Dr. Anindita Choudhury [at page-113, Annexure-R/3 to the counter affidavit of TPSC in WP(C) No.1021 of 2022]. Dr. Amal Debnath, the third writ petitioner, has claimed appointment on the basis of being a Post Graduate Teacher under Education Department of the Government of Tripura. The petitioners' contention that Clause-10.0 of the Regulations of 2018 could not have been taken into consideration for counting of Teaching Experience as they relate to counting of past services for direct recruitment and promotion under CAS does not merit acceptance as in the first place the instant advertisement itself relates to appointment through direct recruitment to the post of Assistant Professor and in the second place, petitioners and others claim Teaching Experience on the basis of their service in the concerned University or Law College.

14. Clause (f) of 10.0 lays down three criteria for counting of past services-(i) the essential qualifications of the post held should not be lower than the qualifications prescribed by the UGC for Assistant Professor, Associate Professor and Professor, as the case may be; (ii) the incumbent was appointed on the recommendation of a duly constituted Selection Committee/Selection Committee constituted as per the rules of the respective university; and (iii) the incumbent was drawing total gross emoluments not less than the monthly gross salary of a regularly appointed Assistant Professor, Associate Professor and Professor, as the case may be. While in the case of the petitioners Dr. Jayanta Dhar and Dr. Anindita Choudhury, sub-clauses (ii) and (iii) of Clause (f) of 10.0 do not stand fulfilled, on a bare perusal of their appointment letters as Assistant Professor under the ICFAI University, the petitioner Dr. Amal Debnath was not working as an Assistant Professor rather as a Post Graduate Teacher also on contractual basis. In the case of the first two petitioners, it is apparent from a perusal of their appointment letters that they were appointed on contractual basis and the appointment letters do not indicate as to whether they were appointed on the recommendation of a duly constituted Selection Committee or the total gross emoluments that they were withdrawing were not less than the monthly gross salary of a regularly appointed Assistant Professor. The appointment letter of petitioner Dr. Amal Debnath at Annexure-4 to WP(C)1022/2022 also don't show that such appointment was made pursuant to the recommendation by a duly constituted Selection Committee in conformity with the Clause (f) of

UGC Regulations, 2018. He obtained Ph.D. on 23.07.2019 only. The decision of the Scrutiny Committee to rely upon Clause-10.0 of the Regulations, 2018 has been questioned by the petitioners for counting of Teaching Experience. However, it is not in dispute that on the one hand, the Advertisement No.06/2022 and Annexure- A and B specifically refer to the UGC Regulations of 2018 and that Teaching Experience for computation of API scores could be reckoned only with reference to Clause-10.0 which deals with counting of past services for direct recruitment and promotion under CAS, on the other hand, the procedure evolved by the Scrutiny Committee applies without any discrimination to all candidates. The procedure has not only been uniformly followed but is transparent also. There are no allegations of mala fides by any of these writ petitioners against the Scrutiny Committee or any member of the TPSC. The procedure and the criteria for counting of Teaching Experience of all candidates having been applied uniformly, petitioners cannot either make out a claim of arbitrariness in the selection procedure. On this criteria, all candidates whether petitioners or private respondents or other candidates who have not been selected stand on the same footing. As such, this Court is of the considered view that the instant grounds of challenge to the selection procedure laid down by the TPSC is not amenable to be questioned in writ jurisdiction.”

11. Application of Clause 10.0 of the UGC Regulations, 2018 is therefore beyond reproach. Clause 10.0(e) of the UGC Regulations, 2018 specifically proscribes that the period, spent as Guest Lecturer, cannot be counted for the purposes of teaching experience. Similar view has been held by the learned Coordinate Bench of this Court in WP(C) No.950/2022 vide order dated 10.11.2022 in a matter relating to recruitment under Advertisement No.08/2020 for the subject of History. As such, petitioners have not been able to make out any tenable grounds in law or on fact to succeed in the writ petitions.

12. Writ petitions, being devoid of merit, are accordingly dismissed. Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ

Pijush