

**HIGH COURT OF TRIPURA
AGARTALA
REVIEW PET. NO.40 OF 2023**

The State of Tripura and ors.
Vs.
Sri Pradip Debbarma and ors.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Petitioner(s)	: Mr. S.S. Dey, Advocate General. Mr. D. Bhattacharjee, G.A. Ms. A. Chakraborty, Advocate.
For the Respondent(s)	: None.

21.06.2023

Order

The present review petition has been filed under Articles 215 & 226 of the Constitution of India by the petitioner-State, who are the respondents in WP(C) No.331 of 2021 assailing the order passed by this Court in the said writ petition on 03.05.2023.

2. When the matter is listed before this Court, Mr. S.S. Dey, learned Advocate General along with Mr. D. Bhattacharjee, learned G.A. appearing for the State submitted that notices were served to the counsel of the writ petitioners but he refused to receive the same.

3. The Learned Advocate General appearing for the review petitioner in all fairness submitted that there is nothing

to seek review of the order dated 03.05.2023 passed in WP(C) No.334 of 2021 but in view of the prevailing circumstances wherein by wrongly interpreting the said Order dated 03.05.2023 passed by this Court, some anonymous persons have created confusion amongst the 10,323 teachers and also in public at large through Social Media and therefore, need arises to clarify the said order. He further submitted that treating the Judgment in 'REM' a large number of persons claiming teachers are staging Dharna and making an unlawful assembly in front of the Education Department of the State of Tripura and are creating Law and Order problem, and making unlawful demands.

4. Heard Mr. S.S. Dey, learned Advocate General along with Mr. D. Bhattacharjee, learned G.A. assisted by Ms. A. Chakraborty, learned counsel appearing for the petitioner-State.

5. Since, the subject matter of this present review petition is not amounting to review the said Order affecting the right of the petitioners of the WP(C) No.334 of 2021 i.e. the respondents of this present review petition and further considering the attitude of the counsel for the writ petitioners wherein he declined to receive the notice as stated by the

learned Advocate General, this Court is proceeding with the matter.

6. In view of the prevailing circumstances explained, the clarification of the Order dated 03.05.2023 passed by this Court in WP(C) No.334 of 2021 is given as under:-

i) The said WP(C) No.334 of 2021 has been filed only by three petitioners namely, 1. Shri Pradip Debbarma, 2. Moynal Hossain and 3) Shri Kanai Lal Das.

ii) This Court at Para-30 of the said order dated 03.05.2023 held as under:-

"30. According to this Court, the memorandum dated 31.03.2020 which have been issued by the respondents is not a speaking order and it is an omnibus communication is set aside with a liberty to the respondents to pass a reasoned and specific order in the subject matter relating to the petitioners. If the petitioners are aggrieved by the said decision, they can avail remedies under law"

In view of the above, it is clear that the said order passed is not in 'REM' but it is in 'personam' confining the relief to the petitioners of the said WP(C) No.334 of 2021 only and is not applicable to all 10,323 teachers.

iii) This Court has not granted any relief in favour of the writ petitioners for providing them any appointment or to continue with their services as teachers.

7. Merely by setting aside the memorandum dated 31.03.2020 which was a non-speaking and omnibus communication, this Court has granted liberty to the Government/respondents to issue a specific and reasoned order to the petitioners and if aggrieved they would assail the same in accordance with the law.

8. In fact, no relief has been granted in favor of the writ petitioners.

9. With the above clarification, the present review petition is accordingly closed. It is needless to observe that the Government is at liberty to initiate steps against the concerned persons with its investigating agencies for causing through media an unhealthy atmosphere in society.

10. Accordingly, with the above observation and direction, this present review application stands closed.

11. The Registry shall supply the copy of this order to the Office of the Advocate General, to the Office of the Government Advocate, and also to all the respondents in the said writ petition and as well copy to the writ petitioners immediately.

JUDGE