

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.110 of 2017

Bidyut Bahini Chakraborty

S/O. Benubadan Chakraborty

Resident of Srinagar (Near T.V. Tower),

Road No.4, P.O & P.S-A.D. Nagar,

District-West Tripura,

Pin No.799003

....Petitioner(s)

Versus

1. The State of Tripura

(Represented by the Secretary),

Department of Forest,

Govt. of Tripura,

New Secretariat, Capital Complex,

Agartala, West Tripura,

Pin No.799010

2. The Chief Secretary

Govt. of Tripura,

New Secretariat, Capital Complex,

Agartala, West Tripura,

Pin No.799010

3. The Principal Chief Conservator of Forest

Govt. of Tripura,

Aranya Complex,

Pandit Nehru Complex,

Agartala, P.O. Kunjaban,

West Tripura, Pin No.799006

4. Shri Chandan Bardhan, S.D.F.O

Srinagar (Near T.V. Tower),

Lane No.2, P.O+P.S-A.D. Nagar,

Agartala, District-West Tripura,

Pin No.799003

5. Shri Kajal Paul

S/O Naresh Paul

Resident of Village-Chandraicherra,

P.O+P.S-Ambassa,

District-Dhalai, Tripura,

Pin No.799289

6. Shri Nilanjan Deb

S/O. Narayan Chandra Deb
Resident of Village-Mahesh Khala,
P.O-Anandanagar,
District-West Tripura,
Pin No.799004.

....Respondent(s)

For the Petitioner(s)	:	Mr. S.K. Deb, Sr. Advocate
For the Respondent(s)	:	Mr. D. Bhattacharya, GA Mr. S.M. Chakraborty, Sr. Advocate Mrs. P. Chakraborty, Advocate Mr. Soumyadeep Saha, Advocate
Date of hearing and delivery of judgment & order	:	19.05.2023
Whether fit for reporting	:	No

HON'BLE MR. JUSTICE ARINDAM LODH

Judgment and Order (Oral)

Heard Mr. S.K. Deb, learned senior counsel appearing for the petitioner. Also heard Mr. D. Bhattacharya, learned GA assisted by Mr. Soumyadeep Saha, learned counsel appearing for the respondents-State and Mr. S.M. Chakraborty, learned senior counsel assisted by Mrs. P. Chakraborty, learned counsel appearing for the respondent no.6.

2. By means of filing the instant writ petition, the petitioner has challenged the appointment of respondents no.5 and 6. At the time of hearing of the instant petition, the learned senior counsel appearing for the petitioner has withdrawn his challenge as regards the appointment of respondent no.5.

3. Briefly stated, the petitioner participating in a selection process to fill up the post of Forester(Group-C) under the Forest Department, Govt. of Tripura, had secured “0” mark in extra-curricular activities though he is a Visharad degree in Tabla awarded by a recognized university.

4. It is his contention that if the marks against the extra-curricular activities would have been awarded in favour of him, then, he would have been considered for selection and appointment thereof instead of respondent no.6, Sri Nilanjan Deb.

5. It is admitted position that no marks has been awarded in favour of the petitioner against his extra-curricular activity. The State-respondents have filed an additional counter-affidavit wherein they have stated that even if appropriate marks was allotted in favour of the petitioner against extra-curricular activities, then also there are as many as 19 candidates who have secured higher marks than that of the petitioner and in that case, there is no chance of selection and appointment of the petitioner in the post of Forester.

6. This contention of the State-respondents has not been denied by the petitioner. It is true that if the mark was awarded to the petitioner against his extra-curricular activities, then, it would have been a different situation. However, this Court refrains from passing any order of making appointment in favour of the petitioner in the post of Forester.

7. Instead of that, I deem it fit to remit the matter back to the State-respondents to take a fresh decision after evaluation of the marks of all the candidates appeared in the selection process and consider the appointment of the petitioner against a vacant post, if any provided he is eligible for appointment.

8. The petitioner is given liberty to submit representation stating all the facts known to him in support of his claim that he is eligible for the appointment in the post of the Forester.

Accordingly, the instant writ petition stands disposed in terms of the order and directions indicated here-in-above.

JUDGE



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