

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.519 of 2023

Sri Dhrubamani Dey Petitioner(s)
V E R S U S

The Union of India and others Respondent(s)

WP(C) No.520 of 2023

Sri Surat Kishor Chakma Petitioner(s)
V E R S U S

The Union of India and others Respondent(s)

WP(C) No.521 of 2023

Sri Kanishka Debbarma Petitioner(s)
V E R S U S

The Union of India and others Respondent(s)

For Petitioner(s)	:	Mr. Somik Deb, Senior Advocate. Mrs. Riya Chakraborty, Advocate.
For Respondent(s)	:	Mr. Bidyut Majumder, Deputy SGI.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
_O_R_D_E_R_**

29/08/2023

All the three writ petitions are being taken up and heard together as the writ petitioners have a common grievance regarding non-publication of result against recruitment exercise conducted under advertisement dated 15.09.2021 in National Institute of Technology, Agartala to different posts.

Learned counsel for the petitioners submits that petitioner Dhruamani Dey is a candidate for the post of Superintendent and he is at Sl. No.23 in the list of 82 shortlisted candidates called for computer proficiency test. Petitioner Surat Kishor Chakma is a candidate both for the post of senior assistant and junior assistant and has faced the written test and computer proficiency test and his name is at Sl.No.322 of the shortlisted candidates against the post of junior assistant after the CPT. Against the post of senior assistant he is at Sl.No.281 after the CPT. Petitioner Kanishka Debbarma is a candidate for the post of technician. It is also the case of the writ petitioners that pursuant to the direction of the Under Secretary to the Government of India, Ministry of Human Resource Development, Department of Higher Education dated 11.12.2019, the requirement of interview/interaction for junior level posts having Grade Pay of Rs.4600/- or less has been dispensed with. The same was also adopted by the governing body of the NIT in its meeting held on 21.01.2020. These petitioners have faced written test as notified by the respondents in the year 2022 itself. However, despite having faced written test and the computer proficiency test in case of the first two writ petitioners namely, Dhruamani Dey and Surat Kishor Chakma, the final results have not been published and no offer of appointment has been made to them.

Learned senior counsel for the petitioners submits that there is a clear direction of the Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Government of India to fill up vacancies in mission mode. Petitioners have a legitimate expectation of being offered appointment which is not being promptly attended to by the respondent

authorities. In a recruitment exercise for public employment it is expected that the respondent authorities of the State would act with fairness. Since, the final results are awaited for long and the petitioners consider themselves eligible for appointment having faced the written test and the computer proficiency test in case of the first two writ petitioners namely, Dhruvamani Dey and Surat Kishor Chakma, they have approached this Court for an appropriate direction upon the respondents to publish the results of the recruitment test and offer them appointment if they are in the merit list. Individual petitioners have made representations before the respondent authorities for publication of result such as Annexure-18 dated 11.07.2023 [WP(C) No.519 of 2023], Annexure-19 dated 13.07.2023 [WP(C) No.520 of 2023] and Annexure-16 dated 13.07.2023 [WP(C) No.521 of 2023].

Learned Deputy SGI appearing for the Union of India has strongly opposed the prayer. He submits that no legal right has accrued in favour of the petitioners for seeking appointment against the recruitment exercise held under the advertisement dated 15.09.2021. It is submitted that the law is well settled in this regard. Petitioners do not have any statutory or fundamental right to seek appointment unless it is demonstrably shown that any person junior to them in the merit list has been offered appointment or the statute mandates for publication of result and offer of appointment within a stipulated period. The petitioners have invoked the doctrine of legitimate expectation and fairness in a misconceived manner in an incomplete recruitment exercise. As such, the petitioners cannot seek any relief under Article 226 of the Constitution of India

in the nature of writ of mandamus or direction upon the respondents to publish the result and offer them appointment.

I have considered the submissions of learned counsel for the parties and taken note of the pleadings placed on record.

It is trite law that the applicants who are candidates to a recruitment exercise cannot seek a writ in the nature of mandamus or a positive direction upon the State or its instrumentalities for offering them appointment when the recruitment process has not attained finality and that no person having lower marks have been offered appointment by the respondents. The employer cannot be compelled in such circumstances by a writ of mandamus or a positive direction to publish the results and offer appointment to the candidates facing the recruitment test. The recruitment exercise has not yet been scrapped as per the statement of the writ petitioners. At this stage, therefore, the doctrine of legitimate expectation cannot be invoked. In such circumstances, this Court is not inclined to grant any relief to the petitioners. However, petitioners are at liberty to pursue a representation before the competent authorities. Writ petitions are accordingly dismissed.

Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ