

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) NO.641 OF 2022**

Smt. Sadhana Debbarma
Vs.
The State of Tripura and ors.

HON'BLE THE CHIEF JUSTICE (ACTING)

Present:

For the Petitioner(s) : Mr. Somik Deb, Sr. Advocate.
Mrs. R. Chakraborty, Advocate.
For the Respondent(s) : Mr. R. Saha, Advocate.

10.03.2023

Order

The brief fact of this case is that the petitioner herein was appointed to the post of Graduate Teacher, under the Directorate of School Education, Government of Tripura. After completion of 5(five) years of service on fixed monthly pay, the Director of School Education, Government of Tripura issued several memoranda, thereby according the benefit of regular pay scale, in the respective pay Band, with respective Grade Pay to various Graduate Teachers, including the petitioner herein. Thereafter, the Directorate of School Education, Government of Tripura issued a Memorandum dated 23.12.2017 *inter alia* noting that the Hon'ble Supreme Court vide order dated 29.03.2017 in SLP No.18993-19049/2014 has affirmed the order of this Court dated

07.05.2014, setting aside the selection of teachers, and amongst other-directed that a fresh selection process to be completed on or before 31.12.2017. It was further noted that the tenure of the incumbent will come to an end on 31.12.2017, and that their appointment would only be for 6(six) months on ad-hoc basis. The petitioner became an aspirant and appeared in the Selection Test for appointment to the post of Graduate Teacher and obtained No Objection Certificate from the Director of Secondary Education. She appeared in the examination and subsequently, the petitioner got selected and she was appointed in the post of Graduate Teacher, Education Department, Government of Tripura, on a monthly fixed pay basis. Inter alia praying for reckoning the past services, for determining the seniority, regular pay scale, pay protection, i.e., counting the past service for the purpose of fixation of pay, and all other admissible service benefits, including pension, the petitioner had submitted representation. Despite the service of the said representation, no relief whatsoever has been accorded. As such, the petitioner herein has filed this instant writ petition and 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 directing them, to transmit the records, appertaining to this writ petition, lying with them, for rendering

substantive and conscionable justice to the petitioner, and for quashing/setting aside the impugned offer of Appointment(Annexure-6 supra) insofar as to grants a fixed monthly pay to the petitioner, and negating the seniority of the past services, rendered by the petitioner, regular pay scale, pay protection i.e., counting the past services for the regular pay scale, pay protection, i.e., counting the past services for the purpose of fixing of pay, leave encashment, leave salary, gratuity and all other admissible service benefits, including pension, in defiance of the directions, contained in the Judgment & Order dated 23.03.2017 (referred to supra) as well as the Judgment & Order dated 29.01.2020 & 20.05.2022(Annexure-9 & 10 respectively supra).

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 thereof, shall not be issued for mandating/directing them, to revoke/rescind the impugned offers of appointment(Annexure-6 supra) and thereupon, reckon the past services, rendered by the petitioner, while determining the seniority, regular pay scale , pay protection, i.e. counting the past services for the purpose of fixation of pay, leave encashment, leave salary, gratuity and all other admissible service benefits, including pension, as well as the arrears of salary and allowances, in conformity with the directions, contained in the Judgment and Order dated 07.05.2014(referred to supra), as well as the Judgment & Order dated 29.01.2020 & 20.05.2022(Annexure-9 & 10 respectively supra)

iii. Call for the records appertaining to this writ petition;

iv. Costs of any incidental to this writ petition;

v. After hearing the parties, be pleased to make the Rule Absolute in terms of i & ii above.

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

Heard Mr. Somik Deb, learned Sr. counsel assisted by Mrs. R. Chakraborty, learned counsel appearing for the petitioner as well as Mr. R. Saha, learned counsel appearing for the respondents.

Heard both sides and perused the evidence on record. Respondents are directed to consider the case of the petitioner in light of the representation made by the petitioner.

However, the petitioner is also at liberty to submit further representation along with any materials in support of her claim. On receipt of such representation from the

petitioner, the respondents shall consider the same within a period of 2(two) months from the receipt of the copy of said representation.

The petitioner-counsel further draws attention to the judgments passed by this Court in identical cases. Accordingly, the respondents while considering the request made by the petitioner shall consider all relevant judgments that would be enclosed along with the representation.

With the above observation and direction, this instant writ petition stands disposed of. As a sequel, stay order, if any, stands vacated. Pending application(s), if any also stand closed.

CHIEF JUSTICE (ACTING)

suhanjit

