

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 642 of 2022

Sri Naruttam Pal and 21 Ors

---Petitioner(s)

Versus

The State of Tripura & 3 Ors.

---Respondent(s)

For Petitioner(s)	: Mr. Somik Deb, Sr. Adv. Mr. K. Debnath, Adv.
For Respondent(s)	: Mr. D. Bhattacharjee, GA. Ms. N. C. Saha, Adv.
Date of hearing and date of judgment and order	: 12.05.2023.
Whether fit for reporting	: No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

This is a petition under Article 226 of the Constitution of India for enforcement of the Constitutional rights of the petitioner, guaranteed under Articles 14, 16, 19, 21 & 300-A of the Constitution of India and their Statutory rights, guaranteed under the right of Children to Free & Compulsory Education Act, 2009 the National Council for Technical Education Act, the various Memoranda, Pertaining to regularization and grant of regular pay scale counting of their respective past services for the purpose of pension and other benefits issued by the Government of Tripura from time to time.

[2] The brief facts of the case is that a selection process was carried out and the petitioners along with others emerged out successful. For appointment as Under-Graduate, Graduate & Post Graduate Teachers for various Schools in different districts on temporary basis, on a fixed consolidated pay of Rs.7060/- per month, the Education (School) Department, Government of Tripura issued Appointment letters in favour of the petitioners. Thereafter, on completion of five years of continuous and uninterrupted service, the Directorate of School Education, Government of Tripura issued several Memoranda in favour of the petitioners thereby granting the benefit of regular scale of pay in Pay Band scale

of Rs.5700-24000/- and Grade Pay of Rs.2800/- and other admissible benefits per month. In compliance with the order of Hon'ble Supreme Court dated 14.12.2017, the Directorate of Secondary Education, Government of Tripura issued a Memorandum, thereby appointing the Graduate Teachers on ad-hoc basis, with effect from 01.01.2018, for a period of six months, on existing pay scale plus other allowances and entitlements as admissible as per rules. Subsequently vide a Memorandum the Additional Secretary, Education (School) Department, Government of Tripura noted that the services of the Post Graduate Teachers and Graduate Teachers appointed in the year 2014 had come to an end on 31.12.2017 (afternoon) vide the memorandum bearing reference No.F.1(1-46) SE/E(NG)/2017 (Vol-II) dated 23.12.2017, as per the order of the Hon'ble High Court of Tripura in case No. WP(C)51 of 2014 of Tanmoy Nath & Others which was affirmed by the Hon'ble Supreme Court of India vide SLP along with other Miscellaneous Case fell for consideration before the Hon'ble Supreme Court and by a judgment & Order the same was disposed of. Inter alia praying for counting of past services of those teachers were terminated and other benefits of regularization a batch of writ petitions were filed before this court and by a common judgment & order those writ petitions were allowed.

[3] Being aggrieved thereby, the petitioner has approached this court seeking relief *inter-alia*:

- (i) Issue Rule 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 petitioners, and for quashing/setting aside the impugned offer of appointments issued in favour of the petitioners, issued in favour of the petitioners, insofar as the same grant a fixed monthly pay to the petitioners, thereby negating the benefit of the past service, seniority based on the past services, rendered by them and other consequential benefits.
- (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 forthwith revoke/rescind the impugned offers of appointments issued in favour of the petitioners insofar as the same grant a fixed monthly pay to the petitioners, thereby negating the benefit of the past service, seniority based on the past services, rendered by them and other consequential benefits, and thereupon for mandating/directing them to grant regular pay scale, pay protection from their respective completion of 5 years of service 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

(iii) Call for records appertaining to this writ petition.

[4] Heard Mr. Somik Deb, learned senior counsel for the petitioners as well as Mr. D. Bhattacharjee, learned GA appearing for the respondents.

[5] After perusing the entire record and without expressing any opinion on the merits of the case, this court disposes of this writ petition giving liberty to the petitioners herein to approach the respondents by submitting an appropriate representation. The petitioners are also at liberty to place judgments, if any, in support of their case before the respondents. On receipt of the said representation, the respondents shall consider the same in accordance with the law within a period of two months.

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

JUDGE