

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.592 of 2023

Narayan Sutradhar and others

..... Petitioner(s).

Versus

The State of Tripura and others

..... Respondent(s).

For Petitioner(s) : Mr. Sanjoy Mani Tripathi, Advocate,
Mr. Koomar Chakraborty, Advocate.

For Respondent(s) : Mr. S.S. Dey, Advocate General,
Mr. D. Bhattacharya, G.A.,
Mr. Soumyadeep Saha, Advocate,
Ms. A. Chakraborty, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE T. AMARNATH GOUD**

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26/09/2023

The petitioners have assailed the memorandum containing the order of termination dated 23.12.2017 [Annexure-6] and the order dated 31.03.2020 [Annexure-8] by which *ad hoc* services of the petitioners have been terminated. Petitioners have also made a prayer to direct the respondents to consider and comply with the report dated 16.01.2023 submitted by Hon'ble Justice A.B. Paul (Retired), Member of the Advisory Committee, in a time bound manner. Petitioners have also raised a plea that the decision in the case of *Sri Tanmoy Nath and others v. The State of Tripura and others* in WP(C) No.51 of 2014 & *other connected writ petitions* dated 07.05.2014 was in personam and as such the termination of the petitioners from the post of Teacher by general order without giving them opportunity of hearing should be held as illegal, nonest and liable to be quashed.

[2] Mr. Sanjoy Mani Tripathi, learned counsel for the petitioners, however, has *inter alia* raised a plea that the petitioners though being appointees under the advertisement published in the year 2009 under the revised

employment policy of 2003, are not covered by the judgment rendered by this Court in the case of *Sri Tanmoy Nath* (supra) and as affirmed by the Apex Court vide judgment dated 29.03.2017.

[3] However, Mr. S. S. Dey, learned Advocate General has strongly opposed the prayer and submits that the issue has been answered not only by the decision rendered by the Apex Court in the case of *Sri Tanmoy Nath* (supra) which is a judgment in rem, but has also been answered by the Full Bench of this Court vide judgment rendered today (26.09.2023) in the case of *Sri Pranab Deb v. State of Tripura and others* in *WP(C) 893 of 2022*. Petitioners have not been able to distinguish their cases from the decision in the case of *Sri Tanmoy Nath* (supra).

[4] The issue is no more *res integra* not only in view of the judgment rendered in the case of *Sri Tanmoy Nath* (supra) covering 10323 teachers appointed in different categories such as Under Graduate, Graduate and Post Graduate and affirmed by the Apex Court in the judgment dated 29th March, 2017 rendered in the case of *The State of Tripura & Ors & Etc. v. Tanmoy Nath & Ors & Etc.* in *SLP(C) No.18993-19049/2014*, but also in view of the judgment rendered by the Full Bench of this Court today (26.09.2023) itself. The pleas raised by the petitioners are covered by the judgment rendered by the Full Bench of this Court.

[5] Accordingly, the instant writ petition is dismissed. Pending application(s), if any, also stands disposed of.

(T. AMARNATH GOUD), J

(APARESH KUMAR SINGH), CJ