

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) 675/2021**

Smt. Babli Rani Das,

Wife of Sri Dipak Datta, resident of
Sreerampur, Kailashaher, PO-Sreerampur,
P.S-Kailashaher, Sub-Division-Kailashaher, District-Unokoti Tripura.

.....Petitioner

-VERSUS-

1. The State of Tripura, represented by the Commissioner & Secretary, Education Department, Government of Tripura, having his office at Secretariat Building, P.O-Kunjaban, P.S-New Capital Complex, District-West Tripura, Pin-799006.

2. The Commissioner & Secretary, Education Department, Government of Tripura, having his office at Secretariat Building, P.O-Kunjaban, P.S-New Capital Complex, District-West Tripura, Pin-799006.

3. The Commissioner & Secretary, Finance Department, Government of Tripura, having his office at Secretariat Building, P.O-Kunjaban, P.S-New Capital Complex, District-West Tripura, Pin-799006.

4. The Director of School Education, Education Department, Government of Tripura, having his office at Shiksha Bhawan, Office Lane, P.O-West Agartala, District-West Tripura.

.....Respondents

For Petitioner(s)	:	Mr. Somik Deb, Sr. Advocate Mrs. R. Chakraborty, Advocate
For Respondent(s)	:	Mr. D. Bhattacharya, GA
Date of hearing & delivery of judgment & order	:	22.08.2023
Whether fit for reporting	:	No

**HON'BLE MR. JUSTICE ARINDAM LODH
JUDGMENT & ORDER (ORAL)**

Heard Mr. Somik Deb, learned senior counsel assisted by Mrs. R. Chakraborty, learned counsel appearing for the petitioner. Also heard Mr. D. Bhattacharya, learned GA appearing for the respondents-State.

2. Brief facts of the case are that the petitioner was appointed as a Graduate Teacher in the year 2010, under the Education Department(School Education), Tripura on fixed pay basis with monthly salary of Rs.7,060/-. After completion of 5(five) years of service on fixed pay basis, regular pay scale was allowed in favour of the petitioner vide Memorandum dated 31.07.2015. Subsequently, the petitioner appeared in the TET Examination, Paper(I) & Paper(II) and after successfully acing the Teachers Eligibility Test,(T-TET)2017, Paper(I), the petitioner was appointed to the post of Under-Graduate Teacher temporarily on fixed pay basis with monthly salary of Rs.14,078/-. The petitioner again appeared in Tripura Teacher's Eligibility Test/Verification of certificates for (T-TET) Paper(I) & Paper(II) 2019 and successfully obtained the certificate of T-TET, Paper(II). Vide memorandum dated 28.04.2021, the petitioner was issued with offer of appointment to the post of Graduate Teacher(VI-VIII) purely on temporary basis at fixed monthly pay of Rs.20,475/-(revised). Based on these facts, the petitioner prayed for granting her relief to regularize her from the date of her initial joining till the date of subsequent joining to the post of Graduate Teacher.

3. Mr. Bhattacharya, learned GA has submitted that a Division Bench of this Court vide common judgment and order dated 07.05.2014, passed in ***WP(C) No.51/2014 [Tanmoy Nath & Ors. vs. State of Tripura & Ors.]*** had interfered the selection process of the petitioner which was initiated vide Memorandum dated 30.08.2003, holding that the selection made to the posts of Under-Graduate, Graduate & Post-Graduate Teachers under the Education Department, Government of Tripura suffers from arbitrariness and illegalities

and as a sequel set aside and quashed the entire selection process. Assailing the correctness of the observations and directions, contained in the judgment & order dated 07.05.2014, Special Leave Petitions were presented before the Hon'ble Supreme Court of India and by a judgment and order dated 23.03.2017, the said Special Leave Petitions were disposed of *inter alia* affirming the conclusions and directions recorded by the Hon'ble Division Bench of this Court in ***Tanmay Nath(supra)*** with some modifications.

4. Mr. Deb, learned senior counsel has urged that the respondents be directed to act in compliance with the specific direction made by this Court in Para-125 of the judgment dated 07.05.2014 delivered in ***Tanmay Nath(supra)***. The relevant portion of para 125 reads as under:

“125..... It is further made clear that if the persons who are selected in the previous selection are again selected then the service rendered by them earlier shall be counted for the purpose of seniority, pension and all other purposes.”

5. Mr. Deb, learned senior counsel has submitted that the present writ petition is squarely covered by a common judgment and order dated 20.05.2022 passed by a learned Single Judge (Talapatra, J.) of this Court in ***WP(C) 901/2021*** titled as ***Sri Uttam Kumar Das & Ors. vs. The State of Tripura & Ors.*** along with other connected writ petitions. Mr. Deb, learned senior counsel has further submitted that another batch of writ petitions, lead case of which being numbered as ***WP(C) 10/2022*** titled as ***Sri Dipak Das & Ors. vs. The State of Tripura & Ors.,*** was disposed of by a learned Single Judge(Lodh, J.) of this Court vide judgment and order dated 20.09.2022 in terms of the judgment passed in ***Uttam Kumar Das(supra)***. The relevant portion of the

judgment passed in *Uttam Kumar Das(supra)* may be reproduced here-in-below:

6 “.....Based on the perspective facts, the reliefs those have been urged in these writ petitions are paraphrased and reproduced as under:-

to treat the period rendered by the petitioners as Post Graduate Teachers w.e.f. 28.06.2010 or any date as relevant in case of each of the writ petitioners to 31.10.2020 or before the joining of the petitioners in the post of Post Graduate Teacher/Graduate Teacher being selected and recommended by Teachers Recruitment Board of Tripura [TRBT] for appointment for purpose of seniority, pension and for any other purpose including pay protection.

It has been further urged that the respondents be directed to act in compliance with the specific direction made by this court in Para-125 of the judgment dated 07.05.2014 delivered in W.P.(C) No.51/2014 [Tanmoy Nath & Ors. vs. State of Tripura & Ors.]. It has been further urged that the respondents be directed to extend the benefits of the judgment and order dated 21.01.2019 delivered in W.P.(C) No.435/2018 [Babul Debnath & others vs. State of Tripura & Ors.], the common judgment and order dated 29.01.2020 delivered in W.P.(C) No.295 of 2019 [Sangita Reang & Ors. vs. State of Tripura & Ors.] along with analogous writ petitions and the judgment and order dated 06.07.2020 delivered in W.P.(C) No.381 of 2020 [Prasanta Pal vs. State of Tripura & Ors.]. Further, it has been urged that the petitioners be treated to have been appointed as Graduate Teacher on recommendation of the TRBT in the regular scale pertaining to the post of Graduate Teacher and on such premises, their GPF account be activated. Finally, the petitioners have urged that the common termination letter dated 31.03.2020 may not be applicable to the petitioners and as such, the non-

working period w.e.f 01.04.2020 till their joining in the post of Graduate Teacher, having been recommended by TRBT to be regularised by granting non-paid leave.

[2] For purpose of reference and to appreciate the challenge raised in these writ petitions, Para-125 of *Tanmoy Nath (supra)* is reproduced hereunder:

“125. We would also like to make it clear that other than the benefits indicated by us above there can be no reservation/preference on the basis of age. There shall be no preference to dependent government servants or retired government employee or retrenched employees etc. There can be no reservation for linguistic or religious minorities or on area wise basis. It is further made clear that if the persons who are selected in the previous selection are again selected then the service rendered by them earlier shall be counted for the purpose of seniority, pension and all other purposes.”

[Emphasis added]

[3] In *Babul Debnath (supra)* while this court was noticing non-compliance of Para-125 of *Tanmoy Nath (supra)* had occasion to observe that the exercise undertaken by the Government is not in the spirit rather in utter disregard to the direction issued by this court. Past service rendered by a candidate who was selected has to be counted for the purpose of seniority, pension and all other benefits. Candidates stood selected to the very same post. Thus, a direction was issued to the State to treat the past service of each one of the petitioners who rendered service being appointed by the earlier selection process for the purpose of seniority, pension and all other benefits.

[4] In a different matrix of facts, in *Sangita Reang (supra)*, this court having noted the divergence that emerged for the reasons that some of the terminated teachers vide *Tanmoy Nath (supra)* got fresh appointments following the substantive selection process, meaning being recommended by TRBT not in the same post, but in the higher

post and also in the post lower than the post where they were earlier appointed and render their service, but all the petitioners were appointed as the teachers. It has been observed in Sangita Reang (supra) that there are 3 distincts and different situations and thus, 3 [three] broad categories can be formed.

Category-I would be those cases where the teachers who was previously selected and appointed in a particular post and selection and appointment thereof was set aside by this court in Tanmoy Nath (supra) is now through a fresh selection process is selected and appointed on the same post.

Category-II would be cases where the teachers who were previously holding post but now are selected and appointed on a particular post by a fresh selection process. Their selection and appointments had been, like in all the cases, set aside by this court in the case of Tanmoy Nath (supra). They have been selected and appointed through fresh selection process to posts higher than whereby they previously held.

Category-III would be those cases where a teacher who was previously selected and appointed on a particular post and his selection and appointment had been set aside by this court in case of Tanmoy Nath (supra) is, pursuant to fresh selection process, selected and appointed to a post lower than which he previously held.

Thereafter, in Sangita Reang (supra) the following observation has been made:

26. In cases falling in Category-I therefore, there shall be full protection of their past service as envisaged in para-125 of the judgment in case of Tanmoy Nath (supra).

27. Coming to the cases falling in Category-II where the teachers have been selected and appointed on the higher posts, their cases must be considered in light of the observations made in para-125 of the judgment in case of Tanmoy Nath (supra). The said paragraph is

pivotal to the entire discussion. Nevertheless, certain developments have taken place after rendering of the said judgment and suitable modifications shall have to be made to suit the purpose. In other words this discussion must revolve around the directions contained in para 125 of the decision in case of Tanmoy Nath (supra) but cannot be confined to it completely. Right of the petitioners flow from the said judgment but the directions contained therein will have to be applied with suitable modifications as per the requirements of the case. Significant developments are that the proceedings remained pending before the Supreme Court and thereafter lingered before the Government. In the meantime, limited selections were made and appointments offered. The foundational purpose of issuing the clarification direction in para-125 of the judgment was to ensure that those teachers, who offer themselves for fresh selection which would be undertaken on the basis of sound employment policy which may be framed and after competitive examination are selected and appointed, in their cases there must be a protection of past service already rendered. The Division Bench while striking down the entire selection process was of course actuated by certain irregularities committed in such selection process and in particular, offended by the fact that the selection policy was totally un-guided. However, that would not per say imply that every selected and appointed candidate was undeserving or incompetent. Therefore for such candidate who gets selected and appointed in the fresh selection process, the desire of the Court was to protect his past service for all purposes.

28. While doing so, the Court obviously would not be in a position to foresee all eventualities which may arise in future and provide for all possible combinations which may develop. Category-II is of cases where the teachers, who were previously holding particular post have proved their merit by securing selection on the higher posts. The philosophy and logic for protection past service contained in the judgment in case of Tanmoy Nath (supra) would therefore apply in their cases also, however, with a rider, namely, that their service for the purpose of seniority upon their fresh appointments cannot be protected. Any such direction would be wholly unjust to those teachers, who may be holding

the post on regular basis long before these teachers were appointed on regular basis pursuant to fresh selection process. Surely, by no judicial dictum these teachers can jump in seniority over those who are already existing in the cadre since long. Subject to this restriction, the petitioners in Category II must get the protection of their past service. This would also be in consonance with the clarification contained in para-125 of the judgment in case of Tanmoy Nath (supra).

29. Coming to Category-III, the teachers who were previously holding a post but are now selected and appointed on the lower post, for obvious the reasons cannot claim seniority benefit or any other benefit of past service except for the limited purpose of leave to their credit, provident fund, pension and gratuity which the Government has already recognized and granted as also for being posted in the regular scale. These teachers had rendered more than 5 years of service since the year 2010 and therefore, had been brought on the regular pay scale in the year 2015 and thereabouts. They now cannot be placed back on fixed salary basis. Firstly, this would be going against the philosophy of counting past service of those teachers, who eventually get regular selection and appointment. Secondly, it would also be incongruent with the decision of the Government to count their past service for the purpose of pension and gratuity. If their past service is counted towards pensionary benefits, it would defy logic that the same should not be counted as a qualifying service for the purpose of being brought over to regular pay scale.

30. Under the circumstances, petitions are disposed of with following directions:

(i) In case of Category-I cases, the petitioners shall receive full benefit of the past service for the purpose of seniority, pension and all other purposes.

(ii) In Category-II cases, past service rendered by the petitioners will be counted for the purpose of pension, pay fixation and all other purposes except for seniority. In other words, it is provided that the pay of these petitioners would be fixed in their respective posts pursuant to fresh appointments taking into account entire past service rendered by them and bearing in mind the principles contained in F.R.22 of the

Fundamental Rules. However, their past service shall not count towards seniority. They would be placed at the bottom of seniority as on the date of their fresh appointments. It is clarified that these directions shall not enable any other teachers in the same cadre or any other cadre to claim upgradation of his/her pay by seeking removal of anomaly or in any other manner.

(iii) In Category-III cases, the petitioners' past service would be counted for the limited purpose of retaining their leave credit, provident fund, pension and gratuity and further that they will be placed in the regular scale of pay from the date of their fresh appointment and the pay will be fixed at the minimum of the scale. They would receive all admissible allowances.

[5] In order to comply, the judgments as referred before, in Prasanta Pal(supra), the Director of Elementary Education, Government of Tripura issued the memorandum No.F.1(163-1)-DEE/Estt:(LA)/2020)(L-2)/6046 dated 17.12. 2020. Considering its relevance, the entire text of the said memorandum dated 17.12.2020 is reproduced hereunder:

No.F.1(163-1)-DEE/Estt: LA)/2020)(L-2)/6046

Government of Tripura Directorate of Elementary Education

Establishment Section

Dated, Agartala, the 17.12.2020

Subject : Extension of benefit of past service/Pay, Seniority, Pension benefits etc. in respect of Sri Prasanta Pal, UGT appointed by selection through Teachers' Recruitment Board, Tripura

Whereas, Sri Prasanta Pal, S/O- Srirish Chandra Pal was appointed to the post of Graduate Teacher or fixed pay basis under the Directorate of School Education, Tripura in the year 2010 and subsequently after completion of 5(five) yeas of his service were allowed regular pay meant for Graduate Teachers.

AND

Whereas the Hon'ble High Court of Tripura in its judgment and order dated 07.05.2014 in W.P.(C) No.51 of 2014 and other Writ Petitions had

set aside the Revised Employment Policy of the State Government and the entire selection process of Teacher appointed/recruited in the year 2010;

AND

Whereas, the Hon'ble High Court of Tripura in Para-125 in its above judgment dated 07.05.2014 ordered as under: "It is further made clear that if the persons who are selected in the previous selection are again selected then the service rendered by them earlier shall be counted for the purpose of seniority, pension and all other purposes."

AND

Whereas the Hon'ble Supreme Court of India in its Judgment and order dated 29.03.2017 in SLP No(s) 18993-19049 of 2014 has also affirmed the above judgment and order of the Hon'ble High Court of Tripura with some modifications.

AND

Whereas Sri. Prasanta Pal was appointed to the post of Graduate Teachers in the year 2010 and subsequently terminated on 31.12.2017 and again appointed on Ad-Hoc basis w.e.f 01.01.2018 and thereafter joined/appointed as UGT on fixed pay basis afresh on 06.04.2020, being selected through Teachers' Recruitment Board, Tripura filed writ petitions before the Hon'ble High Court of Tripura for issuing the necessary directions to the State Respondents for consideration of his matters as ordered by the Hon'ble High Court of Tripura in Para 125 in the judgment and order dated 07.05.2014. AND Whereas the petitioner Sri Prasanta Pal was offered for appointment to the post of Under Graduate Teacher during his Ad-Hoc service and accordingly the offer of appointment was accepted before his termination from the Ad-hoc Service but due to some administrative reasons he has to join on 06.04.2020.

AND

Whereas the others similarly situated Ad-hoc teachers, who were selected by the same selection process for appointment to the post of UGT, joined the post of UGT prior to their termination from their Ad-hoc service was allowed the benefit of past service rendered by them in the light of the judgment and order of the Hon'ble High Court of Tripura dated 29.01.2020 passed in the Writ petition W.P.(C) No.295/2019.

AND

Whereas in the light of the principle judgment and order of the Hon'ble High Court of Tripura dated 29.01.2020 on the writ petition W.P.(C) No.295 of 2019 and other similar writ petitions the concerned persons have been categorised as Category-III who were previously holding a post but are now selected and appointed on the lower post and it has been ordered that the petitioners past service would be counted for the limited purpose of retaining his leave credit, provident fund, pension and gratuity and further that he will be placed in the regular scale of pay from the date of his fresh appointment and the pay will be fixed at the minimum of the scale.

AND

Whereas the Hon'ble High Court of Tripura in the judgment and order dated 06.07.2020 passed in W.P.(C) No.381 of 2020, has comprehended that the case is covered by the judgment and order dated 29.01.2020 delivered in W.P.(C) No.295 of 2019 and directed for the similar relief under the Category-III and whereas the concerned person who was appointed to the post of Graduate Teacher in the year 2010 and enjoyed regular pay scale meant for graduate Teachers and thereafter again joined and appointed in the post of UGT on fixed pay basis being selected by the teachers recruitment board, Tripura from their previous post of Graduate Teacher also comes under Category-III.

AND

Whereas the Finance Department vide U.O. No.526/FIN(Estt-22)/20 dated 07.12.2020 and the Law Department, Tripura has opined to comply with the order of Hon'ble High Court of Tripura dated 06.07.2020.

AND

Now the undersigned ordered that:

- 1. The common termination letter, dated, 31.03.2020 will not be applicable to the petitioner & he will be deemed to be in-service & the non working period w.e.f 01.04.2020 to 05.04.2020 is be regularized by granting admissible non paid leave (EOL).*
- 2. The petitioner who was earlier a Graduate Teacher & now holding the post of UGT on fixed pay basis will get the benefits regular pay scale meant for UGTs from the date of their fresh appointment as UGT, i.e.*

08.04.2020, & his pay would be fixed at the minimum of the pay scale/pay matrix.

3. He will also get the benefits of past service, rendered as Graduate Teacher (w.e.f. 21.05.2010) in respect of leave at credit, GPF Account (if opened) & counting of past service for pension & gratuity purposes.

4. He will be placed at the bottom of the seniority list of UGTs as on the date of his fresh appointment as UGTs. The inter-se seniority of such teachers themselves shall be according to their position in the select list (TET-I) conducted by the Teachers Recruitment Board, Tripura.

The Head of Offices & DDOs of the concerned teacher shall take all necessary action for releasing monetary benefits admissible to Sri Prasanta Pal, UGT, immediately.

(Saju Vahdood A, IAS)

Director of Elementary Education)

Tripura

[6] The counsel for the petitioners have submitted that the petitioners are not straightway covered by the judgments of Babul Debnath (supra), Sangita Reang (supra) and Prasanta Pal (supra) because there is a gap in the continuity. The petitioners were terminated from their ad-hoc appointment w.e.f. 31.03.2020 and they have been appointed after a gap of a period. The said gap commencing from 01.04.2020 has provided the respondents the basis in denying the benefits of Para-125 of Tanmoy Nath (supra).

[7] Mr. Somik Deb, learned senior counsel and Mr. P. Roy Barman, learned senior counsel have appeared for the petitioners and stated that the period that the petitioners have served from their date of appointment for example, in W.P.(C) 901 of 2021 the said period is from 21.05.2010 to 31.03.2020, be added to their service on regularising the period from 01.04.2020 to the date of joining of each of the petitioners on their fresh appointment by admissible non-paid leave [POL].

[8] Mr. D. Bhattacharjee, learned GA appearing for the respondents has quite categorically stated that the benefit of service has been given to those terminated teachers who have joined their fresh appointment after technical resignation from their ad-hoc

appointment. But the petitioners herein did not get the fresh appointments during the tenure of ad-hoc appointment, meaning till 31.03.2020. As such, they are not entitled to any benefit of their past service. Mr. Bhattacharjee, learned GA has submitted that the petitioners are like any other unemployed candidate who joined the fresh government service, while benefit of past service is only allowed in case of the government's servant who applied through proper channel for a post in the same or some other departments and is, on selection, required to resign technically from the previous post on administrative reason. The petitioners do not fall in this category Mr. Bhattacharjee,, learned has submitted that even the petitioners case cannot be compared with Prasanta Pal (supra) because his offer of appointment was issued before 31.03.2020 but in these cases all the petitioners have been appointed after a long gap. For example, the petitioners in W.P.(C) No.901 of 2001 [Uttam Kr. Das & 25 Ors. vs. State of Tripura & Ors.] they have joined the post of Graduate Teacher after 16 months from 31.03.2020. Mr. Bhattacharjee, learned GA therefore, has contended that no benefit should be extended in view of Para-125 of Tanmoy Nath (supra) where it has been directed that if the persons who are selected in the previous selection process are again selected, then the service rendered by them earlier shall be counted for purpose of seniority, pension and all other purposes.

[9] Having appreciated the submission of the learned counsel appearing for the parties, there cannot be any amount doubt that there is a gap between the day of the appointment of the petitioners from the day of termination of ad-hoc appointment i.e. 31.03.2020. But it is also not in dispute that all the petitioners have been appointed afresh in the post of Graduate or Post Graduate Teacher, but admittedly there is a gap. Under the normal rules there is difficulty in granting the benefit of the past service. This Court in Prasanta Pal (supra) waiving the gap directed the respondents to count the petitioner's past service for the limited purpose of

retaining his leave credit, provident fund and also for purpose of pension and gratuity. It was further directed that the petitioner would be placed in his regular scale of pay from the date of fresh appointment and accordingly, their pay shall be refixed but in the minimum of the scale of pay. The respondents were directed to make payment of arrears within a period of 3 months from the day when a copy of the order be placed before them. From the memorandum dated 17.12.2020, as reproduced above, it would be apparent that the said directions have been complied by the respondents. One observation of the apex court in Ajoy Debbarma vs. State of Tripura and others [judgment dated 05.08.2020 delivered in Civil Appeal No.286 of 2020, Annexure-11 to the writ petition] is noteworthy. In Ajoy Debbarma (supra) the apex court has projected the constitutional empathy towards the terminated teachers vide Tanmoy Nath (supra). For purpose of reference, the relevant passage from Ajoy Debbarma (supra) is reproduced below:

18. In our view, considering the fact that the very selection and appointments were found to be illegal and invalid, no other advantage can be conferred upon the concerned candidates. It must be noted that the attempt on part of the State in offering certain alternate employment is not to degrade the teachers but some solace is being offered even in cases where the candidates do not succeed in the selections to the posts of teachers. The candidates, if they are otherwise competent and eligible, will certainly have every opportunity till 31.03.2023 to get selected for the posts of teachers in the State and by way of additional benefit those who are unsuccessful in such attempts may retain the alternate employment. In our view, it does not amount to degradation.

[10] If that observation of the apex court in Ajoy Debbarma (supra) is read with Para-125 of Tanmoy Nath (supra) it becomes clear that if the persons who were selected in the previous selection are again selected, then the service rendered by them earlier shall be counted for the purpose of seniority, pension and all other purposes. It is an

unambiguous direction, not factored by any other considerations. It is apparent that the persons who are appointed during the period of age relaxation should be given the benefit of the past service. In Sangita Reang (supra) this court had occasion to direct that the candidates who fall broadly in the three categories as identified, would be extended the benefit in the manner as reiterated below:

(i) In case of Category-I cases, the petitioners shall receive full benefit of the past service for the purpose of seniority, pension and all other purposes.

(ii) In Category-II cases, past service rendered by the petitioners will be counted for the purpose of pension, pay fixation and all other purposes except for seniority. In other words, it is provided that the pay of these petitioners would be fixed in their respective posts pursuant to fresh appointments taking into account entire past service rendered by them and bearing in mind the principles contained in F.R.22 of the Fundamental Rules. However, their past service shall not count towards seniority. They would be placed at the bottom of seniority as on the date of their fresh appointments. It is clarified that these directions shall not enable any other teachers in the same cadre or any other cadre to claim upgradation of his/her pay by seeking removal of anomaly or in any other manner.

(iii) In Category-III cases, the petitioners' past service would be counted for the limited purpose of retaining their leave credit, provident fund, pension and gratuity and further that they will be placed in the regular scale of pay from the date of their fresh appointment and the pay will be fixed at the minimum of the scale. They would receive all admissible allowances.

[11] In the circumstances, this court is persuaded to direct the respondents to regularise the gap commencing from 01.04.2020 till the date of joining of each of the writ petitioners by deeming them to be in service and the non-working period meaning the gap period be

regularised by granting admissible non-paid leave [EOL]. So far the other benefits are concerned, that shall be released in favour of the petitioners in terms of the directions in Sangita Reang (supra), as reproduced above, finding out their relevant categories.

[12] Having observed thus, the writ petitions are allowed partly. There shall be no order as to costs."

6. Since the factual aspects of the present writ petition is similar and identical to the subject matter of the case of **Uttam Kumar Das(supra)**, the present writ petition is also, therefore, allowed and disposed of in the same terms.

7. Accordingly, the respondents are directed to regularize the gap period of the petitioner of this writ petition from the date of her initial appointment under the earlier selection process till the date of her subsequent joining in service. The non-working period that is, the gap period, be regularised by way of granting admissible non-paid leave (EOL). Needless to say, all other service and consequential benefits shall be decided in favour of the petitioner in terms of the directions in **Sangita Reang (supra)**, as quoted and extracted here-in-above as per her relevant category.

Pending application(s), if any, also stands dismissed.

JUDGE

Snigdha