

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) 677/2022**

Sri Amal Kanti Ghosh

.....Petitioner

Versus

The State of Tripura and 9 ors.

.....Respondents

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate Ms. N. Ghosh, Advocate
For Respondent(s)	:	Mr. D. Bhattacharjee, GA Mr. A. Bhaumik, Advocate Mr. S. Saha, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH
Order

13/01/2023

Heard Mr. P. Roy Barman, learned senior counsel assisted by Ms. N. Ghosh, learned counsel appearing for the petitioner. Also heard Mr. D. Bhattacharjee, learned GA assisted by Mr. S. Saha, learned counsel appearing for the respondents-District & Sessions Judge, West Tripura, Agartala and Mr. A. Bhaumik, learned counsel appearing for the private-respondents.

2. By means of filing this writ petition, the petitioner has claimed for the following reliefs:

“i) Issue rule upon the respondents to show cause as to why Writ in the nature of mandamus and/or order or direction shall not be issued whereby directing the respondents no. 1 to 3 to give appointment to the petitioner in the post of Group D (Peon grade) in pursuance to the advertisement no. 4314 dated 24.04.15 issued by the District and Sessions Judge, West Tripura, Agartala by giving the Petitioner marks at Viva Vode test at par marks given to the respondents no. 4 to 19;.

ii) Make the rule absolute;

iii) Call for the records;

iv) Pass any other order/orders as this Hon'ble High Court considered fit and proper”

3. Briefly stated, in response to an advertisement dated 24.04.2015 published by the District & Sessions Judge, West Tripura, Agartala, the petitioner alongwith others appeared in the selection process for appointment

to the post of Group 'D' (Peon grade). Out of 100 marks, 75 marks were allotted for written test and 25 marks for oral test. Selection list was prepared and published. The name of the petitioner appeared at serial no. 26. There were altogether 28 vacant posts including reserved vacancies. The private respondents who have been impleaded in the present writ petition had challenged the selection list by filing writ petitions before this court vide WP(C) 894 of 2018 alongwith WP(C) 715 of 2018; WP(C) 196 of 2020 alongwith WP(C) 304 of 2020; WP(C) 662 of 2020 alongwith WP(C) 776 of 2020 and WP(C) 849 of 2020. While disposing the said writ petitions, this court had passed an order directing the District & Sessions Judge, West Tripura, Agartala to take interview of the private respondents afresh. Thereafter, the private respondents appeared successfully and they were appointed in the post of Group 'D' (Peon grade).

4. The grievance of the petitioner is that though his name appeared at serial no. 26 and at the first phase of the selection process the private respondents appeared and scored less marks, they had been appointed, but, the petitioner was not considered.

5. I have considered the above submissions advanced by learned counsel appearing for the parties.

6. It cannot be said that the private respondents who have been impleaded in the writ petition had any fault in appearing before the interview board for the second time because they appeared in compliance of the direction of this court vide judgments dated 11.02.2020, 24.07.2020 and 13.01.2021. They appeared successfully and ultimately scored higher marks than that of the petitioner by way of their second appearance before the interview board. Till today there is no challenge against the said judgments passed by this court wherein direction was issued to make the interview afresh in respect of the private respondents.

7. In view of this, I do not find any merit in the instant writ petition. It is submitted that the petitioner was not made party in any of the writ petitions preferred by the private respondents, but, as on today the judgments dated 11.02.2020 passed in WP(C) 894 of 2018 alongwith WP(C) 715 of 2018, judgment dated 24.07.2020 passed in WP(C) 196 of 2020 alongwith WP(C) 304 of 2020 and judgment dated 13.01.2021 passed in WP(C) 662 of 2020 alongwith WP(C) 849 of 2020, stand good. If the petitioner feels that he is prejudiced in view of the judgments dated 11.02.2020, 24.07.2020 and 13.01.2021, as aforestated, he may proceed in accordance with law.

8. With the aforesaid observations and directions, the instant writ petition stands dismissed.

Pending application, if any, also stands disposed.

JUDGE