

HIGH COURT OF TRIPURA
AGARTALA
WP(C) 782 OF 2021
Sri Mridul Kanti Sharma & 18 Ors.
Vrs.
The State of Tripura & 4 Ors.

Present:

For the petitioner(s) : Mr. Samarjit Bhattacharjee, Advocate.

For the respondent(s) : Mr. D. Bhattacharya, G.A.
Mr. B.N. Majumder, Sr. Advocate.

HON'BLE MR.JUSTICE ARINDAM LODH

13.03.2023

Order

Heard Mr. Samarjit Bhattacharjee, learned counsel appearing for the petitioners. Also heard Mr. D. Bhattacharya, learned G.A. appearing for the State-respondents and respondent no.5 and Mr. B. N. Majumder, learned senior counsel appearing for the Respondents-High Court of Tripura.

Briefly stated, the District and Sessions Judge, North Tripura, Dharmanagar, had issued an advertisement under notification dated 08.05.2018 to fill up 24 nos. of Group-D posts under the subordinate judiciary. The petitioners participated in the selection process. The result of the examination was published on 19.04.2021 with preparation of a select list. According to merit, 24 nos. of posts were filled up from the said merit list. Again on 05.04.2021, the District and Sessions Judge, North Tripura, Dharmanagar had published another advertisement for filling up of 98 nos. of posts of Group-D under the subordinate judiciary. The selection process has also been completed and learned counsel of the petitioners informed this court that the appointment letters were also issued in favour of the successful candidates. The grievance of the petitioners is that despite the validity of the earlier merit list under notification dated 08.05.2018, the District and Sessions Judge, North Tripura, Dharmanagar had published

another advertisement on 05.04.2021 for filling up of Group-D posts under the subordinate judiciary.

Mr. Bhattacharjee, learned counsel for the petitioners has further submitted that the appointments made under the notification dated 05.04.2021 is illegal, arbitrary since the District and Sessions Judge, North Tripura, Dharmanagar had committed an error in not appointing the persons whose names were in the earlier merit list under notification dated 08.05.2018. Learned counsel for the petitioners has urged this court to direct the District and Sessions Judge, North Tripura, Dharmanagar to appoint the petitioners whose names were found in the earlier merit list prepared under notification dated 08.05.2018.

To counter the submissions of Mr. Bhattacharjee, learned counsel for the petitioners, Mr. Nandi Majumder, learned senior counsel appearing on behalf of the High Court of Tripura and Mr. Bhattacharya, learned G.A. appearing on behalf of the District and Sessions Judge, North Tripura, Dharmanagar have submitted that the second notification dated 05.04.2021 was issued by the District and Sessions Judge, North Tripura, Dharmanagar before publication of final merit list of candidates who appeared in response to the advertisement made on 08.05.2018.

Mr. Nandi Majumder, learned senior counsel has further submitted that the petitioners were not successful in their approach because they could not obtain a stay order to stall the selection process which was initiated under notification dated 05.04.2021. It is the further contention of the learned counsel appearing on behalf of the respondents that at present everything is settled which should not be unsettled and any interference by this court will definitely unsettle the position.

I have considered the submissions of learned counsel appearing for the parties. From the writ petition, I find that there is a prayer for quashing and cancelling the advertisement dated 05.04.2021 issued by

the District and Sessions Judge, North Tripura, Dharmanagar. The petitioners in the present writ petition also have prayed for an ad-interim order, staying the notification dated 28.10.2021, issued by the District and Sessions Judge, North Tripura, Dharmanagar. From the prayers, it is revealed that the petitioners have not prayed for staying the operation of the impugned advertisement dated 05.04.2021. The petitioners only had prayed for staying the notification dated 28.10.2021 which was issued notifying the eligible candidates to appear in the written examination on 05.12.2021 in connection with recruitment for filling up 98(ninety eight) nos. of post of Peon/Orderly/Guard, etc. (Group-D).

It reveals from the records that the court did not pass any order restraining the District and Sessions Judge, North Tripura, Dharmanagar to proceed with the selection process in terms of the advertisement notified on 05.04.2021. Even, no stay order was granted against the date of notification for taking written examination which was followed by oral interview. Thus, the petitioners had allowed the District and Sessions Judge, North Tripura, Dharmanagar to proceed and complete the selection process. There is no dispute in the Bar that the selection process and recruitment process followed by the appointment of the candidates who have been selected in pursuance of the advertisement dated 05.04.2021 have been completed.

Needless to say, the position is settled and the court's interference at this stage is uncalled for. Accordingly, the instant writ petition stands dismissed. However, there shall be no order as to costs.

JUDGE