

**HIGH COURT OF TRIPURA  
AGARTALA**

**WP(C) No.733/2023**

Sanjib Debnath

..... Petitioner(s).

**V E R S U S**

The State of Tripura & others

.....Respondent(s).

**Along with**

**WP(C) No.734/2023**

Chayan Sukla Baidya

..... Petitioner(s).

**V E R S U S**

The State of Tripura & others

.....Respondent(s).

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For Petitioner(s)

: Mr. Dipjyoti Paul, Advocate.

For Respondent(s)

: Mr. Dipankar Sarma, Addl. G.A.

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**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH**

**Order**

**14/12/2023**

Heard Mr. Dipjyoti Paul, learned counsel appearing for the petitioners and Mr. Dipankar Sarma, learned Addl. Government Advocate appearing for the respondents-State.

2. Both the writ petitioners raise similar grievance in relation to the recruitment conducted under advertisement No.01/2020 and notification dated 12.02.2021 (Annexure-2) issued by the Joint Recruitment Board, Tripura (JRBT) under the Directorate of Employment Services & Manpower Planning, Government of Tripura for filling up of Group-C, Non-Gazetted posts [(i) Lower Division Clerk-1500; (ii) Agriculture Assistant (Except TAFS Grade-III)-22; (iii) Agriculture Assistant (TAFS Grade-III)-443; (iv) Junior Operator (Pump)-236; and (v) Junior Multi Tasking Operator (Un-common)-209]

totalling 2410 vacancies. Petitioners Sanjib Debnath and Chayan Sukla Baidya have participated in the written test and claimed to have obtained 65 marks (38.23%) and 67 marks (39.41%) respectively out of total 170 marks for written examination as per information obtained under RTI (Annexure-6). Petitioners have thereafter sent a legal notice to the respondents-Secretary, Department of Labour, Government of Tripura and the Chairman, Joint Recruitment Board of Tripura for raising a grievance that despite having scored more than 35% marks (for UR category) and 30% marks (for reserved category) respectively vis-à-vis individual petitioners as per paragraph-8 of the general instructions under the notification dated 12.02.2021, they have not been called for interview. As such, they apprehend that the candidates who have fetched lower marks than the petitioners in the respective categories have been called for interview, whereas the petitioners have been left out.

3. A perusal of paragraph-8 of the general instructions under the said advertisement shows that the candidates equivalent to 3(three) times the number of vacancies(1 : 3) shall be called for interview (category-wise) subject to attainment of minimum qualifying marks in the written examination (35% for UR candidates & 30% for reserved candidates). Petitioners have, however, not been able to show that anyone having lesser written marks in their category have been called for interview. It is their guess that since they have scored more than 35% marks and certain seats have been left vacant as per the merit list of 1980 candidates published by the JRBT, the candidates scoring 35% and more like the petitioners may not have been called for interview. It is also their submission that sufficient number of candidates in the ratio 1 : 3 (category-wise) have not been called for interview. Therefore, the petitioners have approached this Court with a prayer that the respondents may be directed to

call them for interview in connection with the recruitment of the aforesaid Group-C posts under the advertisement No.01/2020 and notification dated 12.02.2021.

4. Mr. Dipankar Sarma, learned Addl. Government Advocate appearing for the respondents-State, submits that as per the terms of the advertisement three times the number of the candidates in the ratio of 1 : 3 were to be called for interview (category-wise) subject to the attainment of more than 35% marks for UR category candidates and 30% for the reserved category candidates. Petitioners have not been able to show that any candidate of their category having lower marks than the petitioners have been called for interview. As such, petitioners have failed to make out any case. It is further submitted that paragraph-8 of the general instructions of the advertisement, if properly understood, also indicates that simply obtaining 35% or more marks in the written examination does not mean that the candidate concerned would be called for interview since only three times the number of vacancies were to be called for interview. As such, the writ petitions may be dismissed.

5. On consideration of rival submissions of the parties and from the pleadings on record, this Court is of the firm view that the petitioners have failed to make out any case of violation of Articles 14 & 16 of the Constitution of India as they have not been able to demonstrate that any person having lesser marks in the written test in their category have been called for interview and finally recommended. Mere obtaining of the qualifying marks (35% for UR category candidates & 30% for reserved category candidates) does not in itself entitle them to be called for interview since the recruiting body has

stipulated that only those number of candidates which are three times the number of vacancies were to be called for interview. It may be quite possible that a large number of candidates have applied and that several candidates obtained marks much above the qualifying marks for being called to interview. As such, mere speculation that the recruiting body may not have called sufficient number of candidates for the interview in the ratio of 1 : 3, the plea raised by the petitioners cannot be entertained.

6. Accordingly, the writ petitions being devoid of merit stand dismissed.

Pending application(s), if any, also shall stand disposed of.

**(APARESH KUMAR SINGH), CJ**

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**PULAK BANIK** Date: 2023.12.15  
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