

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.728 of 2023

WP(C) No.729 of 2023

WP(C) No.730 of 2023

WP(C) No.731 of 2023

WP(C) No.732 of 2023

IN WP(C) No.728 of 2023

Sri Pritam Barman

..... Petitioner(s)

V E R S U S

State of Tripura and others

..... Respondent(s)

IN WP(C) No.729 of 2023

Sri Subrata Dey

..... Petitioner(s)

V E R S U S

State of Tripura and others

..... Respondent(s)

IN WP(C) No.730 of 2023

Sri Debasish Saha

..... Petitioner(s)

V E R S U S

State of Tripura and others

..... Respondent(s)

IN WP(C) No.731 of 2023

Sri Suman Debnath

..... Petitioner(s)

V E R S U S

State of Tripura and others

..... Respondent(s)

IN WP(C) No.732 of 2023

Sri Bapan Saha

..... Petitioner(s)

V E R S U S

State of Tripura and others

..... Respondent(s)

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate, Mr. Dipjyoti Paul, Advocate.
For Respondent(s)	:	Mr. Dipankar Sharma, Addl. G.A.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

_O_R_D_E_R_

14.12.2023

All the writ petitions involve similar grievances by individual petitioners in relation to the recruitment exercise conducted under advertisement dated 12.02.2021 by the Joint Recruitment Board Tripura (JRBT, for short) under Directorate of Employment Services and Manpower Planning, Government of Tripura for filling up the posts of Lower Division Clerk; Junior Operator (Pump); Junior Multitasking Operator (Uncommon); Agriculture Assistant (except TAFS Grade III); Agriculture Assistant (TAFS Grade III) totaling 2410 posts at Annexure-2. All these writ petitioners have participated in the recruitment exercise. There individual cases are being separate recorded hereinafter.

Petitioner Pritam Barman in **WP(C) No.728 of 2023** belongs to SC category and participated in the recruitment exercise for the post of Junior Operator (Pump) as first preference; Junior Multi-tasking Operator (Uncommon) as second preference; Agriculture Assistant (except TAFS Grade III) as third preference; and Agriculture Assistant (TAFS Grade III) as fourth preference. According to the petitioner, as per the merit list published by the JRBT on 13.09.2023, the last successful candidate in SC category to the post of Junior Operator (Pump) got 90 marks whose name is at Sl. No.1953. As per the information obtained under RTI vide Annexure-7, petitioner has got 103 marks in the same category. The petitioner, therefore, served a legal notice vide

annexure-8 upon the concerned respondents before approaching this Court in relation to his grievances. Petitioner has prayed for revision of the merit list and inclusion of his name for the said post.

Petitioner Subrata Dey in **WP(C) No.729 of 2023** belongs to UR category and participated in the recruitment exercise under the aforesaid advertisement for appointment to the post of Junior Operator (Pump) as first preference; Junior Multi-tasking Operator (Uncommon) as second preference; Agriculture Assistant (except TAFS Grade III) as third preference; and Agriculture Assistant (TAFS Grade III) as fourth preference. According to the petitioner, as per the merit list published by the JRBT dated 13.09.2023, the last successful candidate in UR category to the post of Junior Multi-tasking Operator (uncommon) got 86 marks whose name is at Sl. No.1965. As per the information obtained under RTI vide Annexure-7, the petitioner has got 102 marks in the same category. The petitioner, therefore, served a legal notice upon the concerned respondents vide Annexure-9 and thereafter has approached this Court with the same prayer.

Petitioner Debasish Saha in **WP(C) No.730 of 2023** belongs to UR category and participated in the recruitment exercise for the post of Junior Operator (Pump) as first preference; Junior Multi-tasking Operator (Uncommon) as second preference; Lower Division Clerk as third preference; Agriculture Assistant (except TAFS Grade III) as fourth preference; and Agriculture Assistant (TAFS Grade III) as fifth preference. According to the petitioner, as per the merit list published by the JRBT dated 13.09.2023, the last successful candidate in UR category to the post of Junior Operator (Pump) got 88 marks whose name is at Sl. No.1963. As per the information obtained under

RTI vide Annexure-7, petitioner has got 107 marks in the same category. The petitioner, therefore, served a legal notice upon the concerned respondents vide Annexure-8 and thereafter has approached this Court with the same prayer.

Petitioner Suman Debnath in **WP(C) No.731 of 2023** belongs to UR category and participated in the recruitment exercise for the post of Lower Division Clerk as first preference; Agriculture Assistant (except TAFS Grade III) as second preference; Agriculture Assistant(TAFS Grade III) as third preference; Junior Operator (Pump) as fourth preference and Junior Multitasking Operator(Uncommon) as fifth preference. According to the petitioner, the merit list published by the JRBT dated 13.09.2023, the last successful candidates in UR category to the post of LDC got 69 marks whose name is at Sl. No.1978. As per the information obtained under RTI, vide Annexure-7, petitioner has got 108 marks in the same category. The petitioner, therefore, served a legal notice upon the concerned respondents vide Annexure-8 and thereafter has approached this Court with the same prayer.

Petitioner Bapan Saha in **WP(C) No.732 of 2023** belongs to UR category and participated in the recruitment exercise for the post of Junior Operator (Pump) as first preference; Junior Multitasking Operator (Uncommon) as second preference; Agriculture Assistant(TAFS Grade III) as third preference. According to the petitioner, as per the merit list published by the JRBT dated 13.09.2023, the last successful candidate in UR category for the post of Junior Operator (Pump) got 88 marks whose name is at Sl. No.1963. As per the information obtained under RTI vide Annexure-7, the petitioner has got 97 marks in the same category. The petitioner, therefore, served a legal notice

upon the respondents vide Annexure-8 and thereafter has approached this Court with the same prayer.

Mr. P. Roy Barman, learned senior counsel for the petitioner assisted by Mr. D. Saha, learned counsel submits that the preparation of merit list appears to be flawed as in individual cases as per information obtained under RTI, these petitioners have found that they have got more marks than the last successful candidate in that category for the respective posts for which they have given the first preference. As such, they have approached this Court since their grievances were not being redressed at the level of the respondent-Board and the competent authority.

Learned Additional Government Advocate Mr. Dipankar Sharma submits that inconsistent pleadings have been made by some of the writ petitioners about their claims for being considered for appointment to a particular post as the order of preference of the petitioners vary whereas the reference of the last successful candidate for a particular post does not appear to tally with the pleadings. In such circumstances, since the matter has been taken up for the first time to today, he is not in a position to controvert the averments made by the individual writ petitioners. The applications and the marks scored by individual petitioners and those who have been declared successful in the merit list are in the custody of the JRBT which is the recruiting body. In case, the Court deems it proper the petitioners may be remitted to the JRBT for redressal of their grievances though as of now from their pleadings no choate cause of action seems to arise. In case upon scrutiny of the claims of individual petitioner the JRBT finds that there is any substance in the case of individual petitioners, they may consider inclusion of their names in the merit list and

make appropriate recommendation to the appointing authority thereafter. However, this Court may not observe anything on the merits of the case of the petitioners either way at this stage.

I have considered the submissions of learned counsel for the petitioners and the State. Individual petitioners in substance have set up their case that certain candidates having lower marks in their category with the same preference have been recommended whereas the petitioners have been left out. These contentions are subject to scrutiny by the recruitment board. At this stage this Court does not deem it necessary and proper to make any comments on the rival cases of the parties. It has been pointed out by learned counsel for the State that in some of the writ petitions the petitioners have made inconsistent pleadings in the sense that whereas concerned petitioners have applied for a particular post in first preference, the reference point of the last selected candidate as per them is of a candidate who has been recommended for some other posts. As such, at this instance, instead of commenting on the individual cases of the petitioners and taking into consideration that against 2410 total vacancies recommendations have been made in respect of only 1980 posts as per the merit list published by the recruitment board, the JRBT should examine the case of the individual petitioners upon scrutiny of their applications and the relevant records to arrive at a considered decision whether the petitioners have been arbitrarily left out from the merit list whereas candidates having lower marks than them have been included in their category for the post for which the petitioners had given their first preference. It is also informed by the learned counsel for the petitioner that recommended candidates have been offered appointment. In such a situation, the petitioners are granted liberty to approach the Chairman, JRBT, respondent No.4 in respect of their grievances by filing a

representation enclosing the copy of the writ petitions also within a period of 1(one) week. Respondent No.4 would consider the representation of the petitioner, in accordance with law, within a period of 4(four) weeks thereafter. Upon such consideration if it is found that the grievance of the petitioner is genuine and legitimate, it would be open for the JRBT to revise the merit list by including the name of one or the other petitioner whose case has been found to be genuine and to recommend to the competent authority for appointment to the respective post to which they are eligible and found successful. The decision be also communicated to the individual petitioners as per the address indicated in their representation/writ petition thereafter. If the individual petitioner is adversely affected by such decision he is at liberty to raise his grievances again in an appropriate proceeding.

Writ petitions are disposed of accordingly. Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH), CJ

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