

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.756 of 2023

Pramesh Ch. Nath

Son of Late Prahlad Ch. Nath,
Resident of P.O & Village Gobindapur,
P.S. Churaibari, Dharmanagar, North Tripura,
Pin-799251 (Age-59 years)

....Petitioner(s)

Versus

1. The State of Tripura

Represented by the Secretary, Education (School) Department,
Government of Tripura, New Secretariat Building, New Capital
Complex, Kunjaban, P.S.- New Capital Complex, Agartala, West
Tripura, Pin 799010.

2. The Director,

Elementary Education, Education(School) Department, Govt. of Tripura,
Office Lane, Shiksha Bhavan, Tripura.

3. The State Project Director,

Samagra Shiksha,
Govt. of Tripura, Office Lane, Shiksha Bhavan, Agartala, West Tripura.

4. The District Project Coordinator,

(SmSA Cell), Government of Tripura, O/o the District Education Officer,
North Tripura District, Dharmanagar, North Tripura.

5. The Block project Co-Ordinator,

Kalacherra Block, (SmSA Cell)/ Inspector of Schools, Government of
Tripura, Dharmanagar, North Tripura.

....Respondent(s)

For the Petitioner(s)	:	Mr. Samarjit Bhattacharjee, Advocate
For the Respondent(s)	:	Mr. D. Sarma, Addl. G.A.

HON'BLE MR. JUSTICE ARINDAM LODH

Order

15/12/2023

Heard Mr. Samarjit Bhattacharjee, learned counsel appearing for the petitioner. Also heard Mr. D. Sarma, learned Addl. G.A. appearing for the respondents-State.

At the very outset, Mr. Bhattacharjee, learned counsel for the petitioner has drawn my attention to a correspondence dated 21.10.2020 issued by the State Project Director and Director, EE wherein the contract service of the petitioner was put under suspension since he was implicated

with a criminal case. For convenience, the contents of the said correspondence may be re-produced here-in-below:-

“F.1(1-7)- SE/Smagra/Estt./LA (Vol.-I)/2020/5924-25 Dated, Agt.21/10/2020

*To
The District Project Coordinator,
(District Education Officer),
North Tripura District,
Dharmanagar*

Sub:- Arrest of Sri Pramesh Ch. Nath, Contract Teacher, Nadiapur SB School.

Sir,

This has reference to your letter No.F.18(1)/DEO(N)/DMN/SAMAGRA/ESTT/2018/945-46M dated 2nd June, 2020 regarding arrest of Sri Pramesh Ch. Nath, Contract Teacher, Nadiapur SB School on 23rd March, 2020 detainment under police/judicial custody till 26th May, 2020 and seeking permission by the concerned teacher to join service after being released from bail as informed by the Block Project Coordinator (Inspect. of schools, State), Dharmanagar vide letter No.F.16(4)/BPC/DMN/SMSA/2020/65-67 dated 29th May, 2020.

On examination of the matter it is decided to keep the contract of Sri. Pramesh Ch. Nath under suspension/abeyance till disposal of the instituted criminal case.

This is for your information and taking necessary action.

Yours faithfully

*Sd/- illegible
[Saju Vaheed A, IAS]
State Project Director &
Director, EE”*

Mr. Bhattacharjee, learned counsel for the petitioner has laid much emphasis on the fact that the authority concerned has decided to keep the contract of the petitioner under suspension/abeyance till disposition of the criminal case instituted against him. It is admitted that the petitioner has been acquitted from the criminal charge. Thereafter, the petitioner had filed a representation to the authority concerned to reinstate him in service extending his contract. But, that representation has not been disposed of till today. The petitioner has again made communication to allow him to join his duties which had also not been responded to.

Admittedly, the petitioner was on contract service for a certain period. He was suspended as stated above. The contract period was for a period of one year. There is no such evidence that after expiry of the suspension period, the contract period was extended time to time. The petitioner was a

teacher under Sarva Shiksha Abhiyaan (SSA) and it was held that he was not holding a civil post.

In view of the above facts, I am of the opinion that this Court has no power to direct the respondents to reinstate or to allow him to rejoin and resume his duties or to extend his contractual period.

Accordingly, I do not find any merit in the present writ petition and thus, the same is dismissed. However, the authority concerned may consider his representation filed before them earlier.

SAIKAT
KAR

Digitally signed
by SAIKAT KAR
Date: 2023.12.18
15:28:02 +05'30'

Rohit

JUDGE



सत्यमेव जयते