

**HIGH COURT OF TRIPURA
AGARTALA**

W.A. No.159/2022

Tripura University, a Central University & another

.....Appellant(s).

V E R S U S

Smt. Supriya Chakraborty

.....Respondent(s).

For Appellant(s) : Mr. Tanmay Debbarma, Advocate.

For Respondent(s) : Mr. Sankar Lodh, Advocate,
Ms. Ayesha Saha, Advocate.

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

Order

25/04/2023

Heard learned counsel for the parties.

2. The writ petitioner approached this Court in WP(C) No.608 of 2021 for absorption in a regular post of Lower Division Clerk (LDC, for short) on the strength of her claim that she was appointed on compassionate grounds as a daily rated worker in Group-C on 27.12.2005 on death of her father namely Sisir Ranjan Chakraborty in harness on 26.11.2005 while working in the Tripura University also as a daily rated worker. Since the petitioner had been working for 15 years and more, the learned Writ Court taking note of the decisions of the Apex Court in the case of *Secretary, State*

of Karnataka and others vrs. Umadevi (3) reported in (2006) 4 SCC 1 and in the case of *Narendra Kumar Tiwari and others vrs. State of Jharkhand and others* reported in (2018) 8 SCC 238 directed the respondent-University to consider the absorption of the petitioner in the post of LDC. It was further observed that such consideration be made by granting relaxation wherever is necessary within a period of three months.

3. The appellant-University seems to have undertaken some exercise as is evident from the notification dated 21.02.2022 (Annexure-V) whereby a committee was constituted to study the contents and implications of the judgment of the Writ Court. The said committee also held certain meetings and later on sought directions from the Department of Higher Education, Government of India.

4. Learned counsel for the appellants submits that there are certain practical difficulties in the matter of consideration of the case of the writ petitioner apart from infirmities in her claim for absorption on the post of LDC in Group-C as there was no vacant sanctioned post at the relevant point of time when she was engaged on compassionate appointment after the death of her father. As such, the impugned judgment deserves to be interfered with.

5. Learned counsel for the writ petitioner has opposed the prayer. It is submitted that the writ petitioner claimed absorption in a Group-C post as she was engaged on compassionate grounds in a Group-C post as daily rated worker and has continued for 15 years without regularization. The learned Writ Court had only directed consideration of the case of the petitioner in the light of the ratio rendered by the Apex Court in the case of *Umadevi* (supra) and *Narendra Kumar Tiwari* (supra). Therefore, no interference is called for.

6. We have considered the submissions of the learned counsel for the parties and taken note of the relevant material facts placed on the record. We have also perused the impugned judgment. In our view, there is no specific direction upon the respondents to absorb the petitioner by the Writ Court. The Writ Court has only directed the respondents to consider the case of the petitioner for absorption in the post of LDC. Needless to say, such consideration has to be made in accordance with law taking into account all relevant criteria which are applicable for such regularization. The respondents instead of taking a decision in the matter have approached this Court in appeal. As such, we do not find any reason to interfere in the impugned judgment. The learned counsel for the appellants submits that the

time period for consideration of the claim of the petitioner may be extended as the respondent-University has been pursuing this appeal. Be that as it may, let such consideration be made within a period of three months from the date of receipt of the copy of this order.

7. The appeal is accordingly dismissed without any interference.
Pending application(s), if any, also stands disposed of.

(ARINDAM LODH), J

(APARESH KUMAR SINGH), CJ

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