

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 943 of 2022

Pinki Debbarma & 2 Ors.

---Petitioner(s)

Versus

The State of Tripura & 3 Ors.

---Respondent(s)

For Appellant(s)	: Mr. S. Majumder, Adv.
For Respondent(s)	: Mr. D. Bhattacharjee, GA.
Date of hearing and date of judgment and order	: 18.05.2023.
Whether fit for reporting	: No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

This is a petition under Article 226 of the Constitution of India.

[2] It is the case of the petitioners that for filling up some vacant posts of Under-Graduate, Graduate and Post-Graduate Teachers, under the Education Department Government of Tripura on monthly fixed pay basis, respective advertisements were issued, by the Education Department, Government of Tripura, thereby elucidating the respective qualifications requisites. Thereafter, a selection process was initiated, and the petitioners alongwith others, were duly selected for the posts of Graduate Teacher, under the Directorate of School Education, Government of Tripura. On completion of 5 years of service on fixed monthly pay, the Director of School Education, Government of Tripura issued several Memoranda, thereby according the benefit of regular pay scale to various Post-Graduate Teachers & Graduate Teachers (including the petitioners), under the Education (School) Department, Government of Tripura. The Directorate of Secondary Education, Government of Tripura issued a Memorandum dated 23.12.2017 inter alia noting that the Hon'ble Supreme Court of India vide Order dated 29.03.2017 in SLP No.18993-19049/2014 has affirmed the Order of the Hon'ble High Court of Tripura dated 07.05.2014, setting aside the selection of teachers and amongst others directed that the fresh selection process to be

completed on or before 31.12.2017. Further, it was noted that the tenure of the incumbents will come to an end on 31.12.2017, and that their appointments would only be for 6 months on ad-hoc basis, on such terms as the State Government may impose. The petitioners became aspirants to appear in the Selection Test for appointments to the posts of Under- Graduate Teacher. The petitioners applied for issuance of No-Objection Certificates, pursuant whereunto, the Director of Secondary Education, Government of Tripura issued various Memoranda thereby according No-Objection Certificates in favour of the petitioners permitting them to appear in the TET Examination, Paper-I & II to be conducted by the Teachers Recruitment Board, Tripura (TRBT). Vide a Memorandum dated 31.03.2020, the Additional Secretary, Education (School) Department, Government of Tripura noted that the services of Post Graduate Teachers and Graduate Teachers appointed in 2010 and Under-Graduate Teachers, appointed in 2014 had come to an end on 31.12.2017 as per Order of the Hon'ble High Court of Tripura in case No. WP(C) 51/2014 of Tanmoy Nath and others which was affirmed by the Hon'ble Supreme Court of India vide the Order dated 29.03.2017 in SLP(C) 18993-19049/2014. The Director of Secondary Education, Government Tripura issued various Memoranda, thereby appointing the petitioners to the posts of Under-Graduate Teacher, Education Department, Government of Tripura, on a monthly fixed pay basis. Subsequently, the petitioners were appointed to the post of Graduate Teachers, under the Education Department, Government of Tripura. Inter alia praying for reckoning the past services for determining the seniority, regular pay scale, pay protection, i.e counting the past services for the purpose of fixation of pay, and all other admissible service benefits, including pension, the petitioners had submitted representation Despite the service of the said representations, no relief whatsoever has be accorded to the petitioners.

[3] Hence, by means of this writ petition, the petitioners herein have approached this court seeking relief *inter-alia*.

i) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Certiorari and/or in the nature thereof, shall not be issued, for directing them, to transmit the records, appertaining to this writ petition, lying with them, for rendering substantive and conscionable justice to the petitioners, and for quashing/setting aside the impugned Offers of Appointments insofar as it grants a fixed monthly pay to the petitioners, and negating the seniority of the past services, rendered by the petitioners, regular pay scale, pay protection, i.e., counting the past services for the purpose of fixation of pay, leave encashment, leave salary, gratuity and all other admissible service benefits, including pension, in defiance of the directions, contained in the Judgment & Order dated 07.05.2014, as affirmed, vide the Judgment & Order dated 23.03.2017 as well as the Judgment & Order dated 29.01.2020

ii) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Mandamus and/or in the nature thereof, shall not be issued, for mandating/directing them, to revoke/rescind the impugned Offers of Appointments and thereupon, reckon the past services, rendered by the petitioners, while determining the seniority, regular pay scale, pay protection, i.e., counting the past services for the purpose of fixation of pay, leave encashment, leave salary, gratuity and all other admissible service benefits, including pension, as well as the arrears of salary and allowances, in conformity with the directions, contained in the Judgment & Order dated 07.05.2014, as affirmed, vide the Judgment & Order dated 23.03.2017 as well as the judgment and Order dated 29.01.2020.

[4] Heard learned counsel for the parties.

[5] In view of the above, this court without expression any opinion on the merits of the case disposes of the writ petition directing the respondents to consider the case of the petitioner within a period of three months from the date of receipt of the copy of this order. The petitioners are at liberty to place all relevant materials before the respondents for consideration, if so advised.

[7] With the above observation and direction, this present writ petition stands disposed of. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE