

HIGH COURT OF TRIPURA

A_G_A_R_T_A_L_A_

WA No.177 of 2022

The State of Tripura and others

..... Appellant(s)

V E R S U S

Sri Biplab Bhowmik and others

.....Respondent(s)

For Appellant(s) : Mr. D. Bhattacharya, G.A.,
Mr. Soumyadeep Saha, Advocate,
Ms. N.C. Saha, Advocate.

For Respondent(s) : Mrs. S. Deb(Gupta), Advocate,
Mr. Bikram Paul, Advocate.

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

_O_R_D_E_R_

02.05.2023

Heard learned counsel for the parties.

Briefly stated, the writ petitioners approached this Court in the second round of litigation after rejection of their representations for regularization vide impugned order dated 29.07.2021 issued by respondent No.2 (Director, Higher Education Department, Tripura). The learned Writ Court after noticing the case of the parties held that the petitioners are eligible to be considered under the Government scheme for regularization. Therefore, their cases should be considered in true letter and spirit of the order passed by the Court in earlier round of litigation in WP(C) No.201 of 2020. The impugned order dated 29.07.2021 was set aside. Incidentally, the same issue arose in WP(C) No.210 of 2021 which was decided vide

judgment dated 05.07.2021 by the learned Writ Court of which one of us (Arindam Lodh, J) was a member. The learned Writ Court *inter alia* held as under :

“Accordingly, both the writ petitions before this court filed by the petitioners are allowed. The respondents are directed to regularize the services of the petitioners in terms of the Government scheme dated 01.09.2008 and other schemes, if any made thereafter. Needless to say, the petitioners shall be entitled to all financial benefits on regularization with effect from the date of this judgment and order. The necessary exercise for regularization as indicated hereinabove shall be completed within 2(two) months from the date of this judgment.”

The judgment of the Writ Court was affirmed in WA No.249 of 2021 vide judgment dated 07.09.2021. The State of Tripura went in appeal in Special Leave Petition (Civil) Diary No.8546 of 2022 which was dismissed without any interference in the judgment of the learned appellate Court. These two writ petitioners undisputedly stand on similar footing as that of writ petitioners in WP(C) No.210 of 2021 being daily rated workers under the same organization i.e. Tripura Institute of Technology who have also completed 10 years of service without any interruption.

Learned counsel for the appellant-State, Mr. D. Bhattacharya does not dispute the legal position that the instant appeal also deserves to be guided by the ratio rendered by this Court in case of ***Sri Swarup Saha and another versus State of Tripura and others*** in WP(C) No.210 of 2021 and in case of ***Sri Litan Bardhan and others versus State of Tripura and***

others in WP(C) No.211 of 2021, both affirmed by the learned Division Bench in WA No.249 of 2021 and the Apex Court as well.

As such, there is no merit in the instant appeal which is, accordingly, dismissed. Pending application(s), if any, also stands disposed of.

(ARINDAM LODH), J

(APARESH KUMAR SINGH), CJ

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सत्यमेव जयते