

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.957 of 2021

(i) Sri Nishi Kanta Debbarma

S/O-Lt. Jadu Kumar Debbarma,
village-Joy Mangal Para, P.O-Nabinagar,
P.S.- Bishalgarh, Dist. Sepahijala,
PIN-799102. Aged-41 years

(ii) Smt. Tanika Debbarma

D/O-Shri Bharat Debbarma,
Village-Bhati Fatik Charra, P.O-Kamalghat,
P.S-Lefunga, Sub-Division-Mohanpur,
West Tripura. PIN-799219. Aged 38 years.

....Petitioner(s)

Versus

1. The State of Tripura

represented by Chief Secretary to the
Government of Tripura, P.O:-New Secretariat
Complex, P.S.-New Capital Complex, District-West
Tripura. PIN-799010

2. The Secretary,

The Tripura Legislative Assembly Secretariat,
P.O-New Secretariat Complex, P.S.-NCC,
Kunjavan, Agartala, West Tripura-799010.

....Respondent(s)

For the Petitioner(s) : Mr. Anthony Debbarma, Advocate

For the Respondent(s) : Mr. K. De, Addl. GA

Date of hearing
and delivery of
judgment & order : **11.05.2023**

Whether fit for reporting : **Yes**

HON'BLE MR. JUSTICE ARINDAM LODH

Judgment and Order (Oral)

Heard Mr. Anthony Debbarma, learned counsel appearing for the petitioners. Also heard Mr. K. De, learned Addl. GA appearing for the respondents-State.

2. By means of filing the present writ petition, the petitioners have prayed for the following reliefs:

“(i) Issue Notice upon the Respondents;

(ii) Call for entire Records regarding selection of Junior Reporters under Tripura Legislative Assembly, Agartala including answer sheets of written test how we got “0”;

(iii) Issue rule calling upon the Respondents to show cause as why we, the highest scorers among the ST candidates shall not be appointed”

3. Shortly stated, the petitioners appeared in a selection process for the post of Junior Reporter under the respondents. The total number of vacancies for the said post was 6(UR-03 & ST-03). The petitioner no.1 secured a total of 66 marks and the petitioner no.2 secured a total of 56 marks in the said examination. It is the grievance of the petitioners that the Interview Board has recommended their names in the final merit list, but the Speaker of Tripura Legislative Assembly has denied their approval stating that they did not qualify in the written examination as they have secured “0” mark in the written examination and hence their approval is not accorded. According to the petitioners, even if they had secured “0” mark in the written test, there is no bar to recruit them as they are the highest scorers amongst the ST candidates. It is the case of the petitioners that they have submitted representation before the competent authority of the respondents to appoint them to the post reserved for the

ST candidates which were remained unfilled, but getting no response from them, the petitioners have filed the present writ petition.

4. After hearing the learned counsel appearing for the parties, I do not find any merit in the present writ petition. The selection process was completed in the year 2017 and the petitioners in the year 2021 have challenged the selection of the candidates who have already been appointed to the said posts in the year 2017 itself. On this score alone, the writ petition deserves to be dismissed since *ex facie*, the instant petition is barred by the doctrine of delay and laches.

5. Moreso, at the insistence of learned counsel appearing for the petitioners, this Court directed the State-respondents to produce the answer scripts in which the petitioners secured “0” mark. On examination of the answer scripts, I find that there is no error in awarding “0” mark against the petitioners. None of the answers appeared to be correct. These answer scripts have also been shown to Mr. Debbarma, learned counsel for the petitioners for his perusal.

6. However, Mr. Debbarma, learned counsel appearing for the petitioners has tried to persuade this Court that though they secured “0” mark in these two papers, but, they could have been appointed as they were recommended by the Interview Board.

7. I have considered the submission of learned counsel appearing on behalf of the petitioners.

8. The Interview board recommended the names of the petitioners along with others to fill up the posts of Junior Reporter, but, when it was placed before the Speaker of the Assembly, then, he verified all the answer scripts of the candidates and in the note he recorded his finding as under:

“Approval is hereby accorded for serial No.1, 2 & 3 for appointment to the post of Junior Reporter. Other two S.T. candidate did not qualify in the written examination, hence approval is not accorded.

For S.T. candidates fresh interview may be conducted by giving open advertisement in the local Newspaper.”

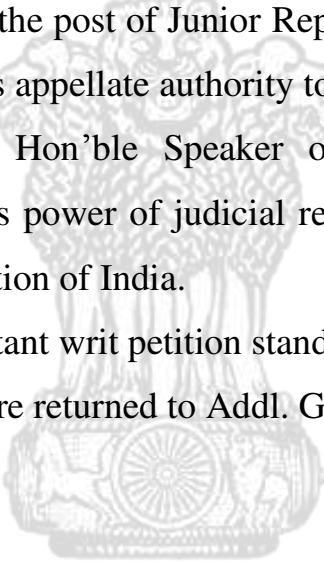
9. I have considered the issues involved in the writ petition. The post advertised by the respondents for appointment of Junior Reporter in the Tripura Legislative Assembly requires a person who is profound in English subject. It is clear from the answer scripts that the petitioners secured “0” mark and on verification of the answer scripts it was found that they were very poor in English.

10. In my opinion, it is the appointing authority to decide who can cater the best services to the department and who can fulfil the object the authority concerned wanted to achieve in filling up a particular post.

11. In the context of the case, the Hon’ble Speaker held that the petitioners were not fit for the post of Junior Reporter. In my opinion, the Court should not sit over as appellate authority to test the findings and the ultimate decision of the Hon’ble Speaker of the State Legislative Assembly in exercise of its power of judicial review as enshrined under Article 226 of the Constitution of India.

Accordingly, the instant writ petition stands dismissed.

The answer scripts are returned to Addl. GA.



सत्यमेव जयते

JUDGE