

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C) No.1053 of 2022

Dr. Moujuri Bhowmik

..... *Petitioner*

V_E_R_S_U_S

The State of Tripura & 5 others

.....*Respondents*

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate. Mr. K. Nath, Advocate.
For Respondent(s)	:	Mr. D. Bhattacharjee, G.A. Mr. B. Majumder, Deputy SGI. Mr. S. Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

_O_R_D_E_R_

27/04/2023

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. K. Nath, learned counsel appearing for the petitioner. Also heard Mr. D. Bhattacharjee, learned G.A., Mr. B. Majumder, learned Deputy SGI and Mr. S. Saha, learned counsel appearing for the respondents.

The present petition has been filed under Article-226 of the Constitution of India directing the respondents to count the past service rendered by the petitioner as Post Graduate Teacher (PGT) w.e.f.24.11.2017 for all purposes and to treat the petitioner in service under the respondents w.e.f.24.11.2017 on regular basis. Further, directing the respondents to treat the petitioner under the defined Pension Benefit System/Old Pension Scheme and to open a GPF account in her favour and to arrange contribution of the petitioner to such GPF account w.e.f. the date of her joining in the post of Assistant Professor, i.e. 14.12.2018 and to give the petitioner her entitled benefit under the Group Insurance Scheme.

The petitioner has prayed for the following reliefs:

- i. Issue rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the respondents to count the past service rendered by the petitioner as Post Graduate Teacher (PGT)

w.e.f. 24.11.2017 for all purposes and to treat the petitioner in service under the respondents w.e.f. 24.11.2017 on regular basis.

ii. Issue rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the respondents to treat the petitioner under the Defined Pension Benefit System/Old Pension Scheme.

iii. Issue rule upon the respondents to show cause as to why a writ in the nature of mandamus and/or order/orders and/or direction/directions of like nature shall not be issued whereby directing the respondents to open a GPF account in her favour and to arrange contribution of the petitioner to such GPF account w.e.f. the date of her joining in the post of Assistant Professor, i.e. 14.12.2018 and to give the petitioner her entitled benefit under the Group Insurance Scheme.

iv. Call for the records pertaining to the instant writ petition from the custody of the respondents.

v. Make the rules absolute after hearing the parties.”

The facts in brief are that the petitioner was appointed in the post of PGT under the Education (School) Department, Govt. of Tripura, on 24.11.2017. Thereafter, after obtaining NOC from the competent authority, the petitioner applied for the post of Assistant Professor in pursuance to TPSC advertisement. Thereafter, the petitioner was appointed in the post of Assistant Professor and after tendering technical resignation, the petitioner joined in the post of Assistant Professor on 14.12.2018.

The past service rendered by the petitioner as PGT w.e.f. 24.11.2017 is required to be counted for all purposes and the petitioner is to be treated to be in service under the respondents w.e.f. 24.11.2017 on regular basis. The petitioner is also entitled to opening of a GPF account in her favour and arranging of contributions in the said GPF account and to get her entitled benefit under the Group Insurance Scheme. The petitioner submitted representations time and again to the respondents stating her grievances but the respondents did not yield any fruitful result.

Hence, the present petition has been filed by the petitioner before this Court for redress.

Having considered the submissions advanced by the learned counsel appearing for both the parties, without expressing any opinion on

merits, the present writ petition stands disposed of directing respondents to consider and dispose of the case of the petitioner in the light of the representations filed by the petitioner before the respondents. However, the petitioner is also at liberty to submit any other relevant documents in support of her case before the respondents and on receipt of the same, the respondents shall decide the matter in accordance with law, within a period of two months thereafter.

Accordingly, the present petition stands disposed. As a sequel, miscellaneous applications pending, if any, shall stand closed.

JUDGE

A. Ghosh



सत्यमेव जयते