

HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.24 of 2024

1. Sri Kishan Kumar Debnath

S/O- Sri Dipak Debnath, R.O-North Brajapur, P.S-Bishalgarh,
District-Sepahijala, Pin-799102, Aged about-23 years.

2. Sri Suman Paul

S/O- Late Sujit Kumar Paul, R/O- Malancha Nagar, P.O-Kunjaban, P.S-
New Capital Complex, District-West Tripura, Pin-799006, Aged about 41
years.

....Petitioner(s)

Versus

1. The District and Sessions Judge,

North Tripura District, P.O /& P.S.- Dharmanagar,
District- North Tripura, Pin-799253

2. The Chairman

Selection Committee, North Tripura District Judiciary, P.O & P.S.-
Dharmanagar, District- North Tripura, Pin-799253

3. The Civil Judge (Junior Division)

North Tripura District Judiciary, P.O & P.S- Dharmanagar, District- North
Tripura, Pin-799253
(State Public Information Officer)

....Respondent(s)

For the Petitioner(s)	:	Mr. A. Bhaumik, Advocate
For the Respondent(s)	:	Mr. Kohinoor N. Bhattacharyya, G.A. Ms. R. Chakraborty, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH

Order

16/01/2024

Heard Mr. A. Bhaumik, learned counsel appearing for the petitioners.
Also heard Mr. Kohinoor N. Bhattacharyya, learned G.A. assisted by Ms. R.
Chakraborty, learned counsel appearing for the respondents-State.

In the instant case, the petitioners have sought for a direction
directing the respondents to fill up the vacancy of Group-D (PEON Grade)
from the select panel list which is valid till today.

It is the contention of the petitioners that they had been selected
through regular selection process and being empanelled their names
appeared at serial nos.97 and 102 of the select list. It is contemplated in the

Memorandum dated 17.01.2023(Annexure-8 to the writ petition) that the select list shall remain valid till today.

Mr. Bhaumik, learned counsel for the petitioners has submitted that the posts are filled up till serial no.89 of the select list and till today there are 9 posts lying vacant under the respondents.

At the very outset, the court has put a question to learned counsel for the petitioners whether this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India can direct the respondents to fill up the vacancy. Mr. Bhaumik, learned counsel has submitted that the court can direct the authority concerned to fill up the vacancy within the period of validity of the panel. I am not in agreement with the submission of learned counsel for the petitioners for the reason that the requirement to fill up the vacancy is absolutely within the domain of the authority concerned. They are the best authority to consider their manpower requirements.

Moreso, today is the last date of the validity of the panel. In my opinion, the court *suo motu* cannot extend the validity of the panel.

In view of this, I do not find that the petitioners have been able to establish a *prima facie* case as regards their legal or constitutional right to exercise this court's extraordinary jurisdiction under Article 226 of the Constitution of India.

Having regard to the aforesaid facts and circumstances, I do not find any merit in the instant writ petition to exercise its discretionary and extraordinary power under Article 226 of Constitution of India.

As a sequel, the instant writ petition stands dismissed.

JUDGE