

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.37 of 2024

Dr. Gopinandan Dey, resident of Mahendra Apartment, Bhagaban Thakur Chowmuhan, Agartala, West Tripura, Pin-799001, aged about 52 years.

....Petitioner(s)

Versus

- 1. The Union of India**, represented by the Secretary, Department of Higher Education, Ministry of Education, Government of India, having his office at North Block, New Delhi.
- 2. The Secretary**, Department of Higher Education, Ministry of Education, Government of India, having his office at North Block, New Delhi.
- 3. The National Institute of Technology, Agartala**, represented by its Director, having his office at Barjala, Jirania, P.O-NIT Agartala, P.S-Jirania, West Tripura, Pin-799046.
- 4. The Registrar**, National Institute of Technology, Agartala, having his office at Barjala, Jirania, P.O-NIT Agartala, P.S-Jirania, West Tripura, Pin-799046.

....Respondent(s)

For the Petitioner(s)	:	Mr. Somik Deb, Sr. Advocate Mr. P. Chakraborty, Advocate
For the Respondent(s)	:	Mr. B. Majumder, Dy. SGI

HON'BLE MR. JUSTICE ARINDAM LODH

Order

05.08.2024

By means of filing the present writ petition, the petitioner has prayed for the following reliefs:

“(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 the respondents, to transmit the records, lying with them, for rendering substantive and conscionable justice to the petitioner, and for quashing/setting aside the impugned Notifications dated 26.12.2023 & 04.01.2024 (Annexures-15 & 18 respectively supra);

(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 forthwith revoke/rescind the impugned Notifications dated 26.12.2023 & 04.01.2024 (Annexures-15 & 18 respectively supra), and further for directing them, to consider the claim of the petitioner

for promotion to the substantive post of Associate Professor, in the NIT, Agartala;

(iii) Issue Rule, calling upon the respondents and each one of them, to show cause as to why a Writ of Prohibition and/or in the nature thereof, shall not be issued, for restraining/prohibiting them, from acting in any manner, in furtherance of the impugned Notifications dated 26.12.2023 & 04.01.2024(Annexures-15 & 18 respectively supra);

(iv) In the Ad-interim, and thereafter, on hearing the parties, in the Interim, an Order, in terms of Relief (iii) supra;

(v) After hearing the parties, be pleased to make the Rule Absolute in terms of i. to iv. above;

(vi) Costs of and incidental to this writ proceedings;

(vi) Any other Relief(s) as to this Hon'ble High Court may deem fit and proper;"

Heard Mr. P. Chakraborty, learned counsel appearing for the petitioner. He is substantially assisted by Mr. Somik Deb, learned senior counsel. Also heard Mr. B. Majumder, learned Dy. SGI appearing for the respondents-Union of India.

From the submissions advanced by learned counsel for the petitioner it appears that the main claim of the petitioner is to consider his promotion to the substantive post of Assistant Professor. It is submitted that the petitioner has been serving as Lecturer, which was re-designated as Assistant Professor, for the last 17 years. The respondents had also made a provision for one time relaxation in the matter of qualification but, the petitioner was not considered for promotion to the substantive post of Assistant Professor with upgraded pay scale, which is discriminatory and arbitrary. According to learned counsel for the petitioner, the petitioner is entitled to be considered for promotion to the substantive post of Assistant Professor with upgraded pay scale.

On the other hand, Mr. Majumder, learned Dy. SGI for the respondents-Union of India has submitted that promotion is not a matter of right but, is a right to be considered. Moreso, the petitioner has no requisite qualification for consideration of promotion to the substantive post of Assistant Professor with upgraded pay scale.

I have considered the submissions advanced by learned counsel appearing for the parties.

In the light of the facts narrated in the writ petition and on consideration of the submissions advanced by learned counsel appearing for the parties, in my opinion, this writ petition can be disposed of with a direction upon the respondents to consider the grievance of the petitioner within the framework of the relevant statutory rules prevalent and applicable to the National Institute of Technology, Agartala.

The entire process may be completed within a period of 3(three) months from the date of receipt of a copy of this order.

The instant writ petition stands disposed with the above direction.

JUDGE

Snigdha

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KAR

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by SAIKAT KAR
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