

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.49 of 2024

Smt. Manika Tripura

....Petitioner(s)

Versus

The State of Tripura and 2 Ors.

....Respondent(s)

For the Petitioner(s)	:	Mr. A. Bhaumik, Advocate
For the Respondent(s)	:	Mr. K. De, Addl. GA

HON'BLE MR. JUSTICE ARINDAM LODH

Order

12/03/2024

Heard Mr. A. Bhaumik, learned counsel appearing for the petitioner. Also heard Mr. K. De, learned Addl. GA appearing for the respondents-State.

By means of filing the present writ petition, the petitioner has prayed for granting one advance increment under Rule 13(1)(ii) of ROP Rules, 2009.

Briefly stated, the petitioner is serving as a Graduate Teacher. The petitioner had completed B.Ed. on 30.09.2008. Thereafter, she received the offer of appointment as Graduate Teacher on 25.03.2010 and accordingly joined in service. The petitioner was in service on fixed pay basis for a period of 5(five) years and thereafter, she was granted regular scale of pay w.e.f. 30.09.2016. It is the grievance of the petitioner that having entered into service as Graduate Teacher with B.Ed. degree, she was covered under Rule 13(1)(ii) of the Tripura States Civil Services (Revised Pay) Rules, 2009 and accordingly, she is entitled to one advance increment, which was denied to her. Hence, the present writ petition.

At the very outset, Mr. Bhaumik, learned counsel for the petitioner has submitted that this writ petition is well covered by the judgment of this Court dated 31.07.2023 passed in *Review Pet. No.24 of 2023* titled as *The State of Tripura and Ors. vs. Sri Debasish Datta and Ors.*

This proposition has not been opposed by learned Addl. GA appearing for the respondents-State.

The relevant portion of the said judgment may be reproduced here-in-below:

“Having gone through the aforesaid rules, in my opinion, the respondents would be governed by clause (ii) of Sub-rule 1 of Rule 13 of ROP Rules, 2009. Clause (ii) of Rule 13(1) of ROP Rules, 2009 prescribed that one increment will be applicable to the persons who have been appointed even after 01.01.2009 having acquired B.Ed. degree prior to the dates of their appointment. Clause (v) of Rule 13(1) will be applicable to in-service candidates who underwent training on or after 01.01.2009.

*In the instant case, the respondents were appointed in the year 2010 and at the time of entering into service they were having B.Ed. degree. As such, the respondents would fall under third category of clause (ii) of Sub-rule 1 of Rule 13 of ROP Rules, 2009. This proposition has already been settled by a coordinate Bench of this Court in WP(C) No.703/2019, titled as **Sri Kamanashis Das and Ors. vs. State of Tripura and Ors.**, where it is held thus:*

“[12] One may recall, clause (ii) of Rule 13(1) introduced the concept of granting one advance increment to those teachers who entered the service with higher qualification of B.Ed. Such increment would be available even to existing employees who may not have got such benefit in the past. The date from which the benefit would be available was 1st January, 2006(which obviously will cover existing teachers) or from the date of coming over to the rules or from the date of appointment of the teacher whichever is later. In other words, even if a teacher is appointed after 1st January, 2006 but possessed qualification of B.Ed at the time of the entry in service, he would be entitled to advance increment in terms of the said clause from their date of appointment. The third situation of being brought over to ROP 2009 can have reference only for those who may have been appointed after 1st January, 2006 but before 1st January, 2009. Thus, the third category of cases where the effective date of grant of the benefit which is the date of appointment, must have a reference to those who are appointed after 1st January, 2009 since, in their cases, there will be no question of a choice of being brought over to the new rules. To my mind, thus there is a clear indication in this rule itself that the same will continue to have effect even after 1st January, 2009.”

So, it is clarified that the respondents-writ petitioners, being appointed after 01.01.2009, having obtained B.Ed. degree prior to their date of appointment, are entitled to get one increment which has already been held by this Court vide judgment and order dated 23.11.2022, passed in connection with WP(C) No.328/2021 and other connected writ petitions, and the same is not called for interference.”

Since the factual aspects of the present writ petition is similar and identical to the subject matter of the case of **Sri Debasish Datta(supra)**, the present writ petition is also, therefore, allowed in the same terms and the respondents are directed to pay one advance increment to the petitioner.

The entire process shall be completed within a period of 4(four) months from the date of receipt of a copy of this order.

With the above observation and directions, the instant writ petition stands disposed of.

Pending application(s), if any, also stands disposed.

JUDGE

Snigdha

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KAR

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