

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_
WP(C) No.70 of 2024

Ajoy Kanti Das

.....Petitioner

-V-E-R-S-U-S-

The State of Tripura & 3 Others

.....Respondents

For Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate. Mr. D. Paul, Advocate.
For Respondent(s)	:	Mr. M. Debbarma, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
_O_R_D_E_R_

02.02.2024

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. D. Paul, learned counsel appearing for the petitioner also heard Mr. M. Debbarma, learned Addl. G.A. appearing for the respondents.

The present petition has been filed under Article-226 of the Constitution of India directing the respondents to grant the benefit of lien in favour of the petitioner for the period of his probation as Associate Professor under Tripura University. Further, for a direction to the respondents to modify the memo dated 20.12.2023 issued by the Additional Secretary to the Government of Tripura, Department of Higher Education to the extent of deletion of the words “without any benefit of lien” and replacing the same with the words “with the benefit of lien.”

The petitioner has prayed for the following reliefs:

- i. Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and / or Order or direction of like nature shall not be issued whereby directing the Respondents to grant the benefit of lien in favour of the Petitioner for the period of his probation as Associate Professor under Tripura University.
- ii. Issue Rule upon the Respondents to show cause as to why Writ in the nature of mandamus and/or Order or direction of like nature shall not be issued whereby directing the Respondents to modify the Memo, dated 20.12.2023, issued by the Additional Secretary to the Government of Tripura, Department of Higher Education, to the extent of deletion of the words "without any benefit of lien" and replacing the same with the words "with the benefit of lien."
- iii. Make the rule absolute.”

The case in brief is that the Petitioner was holding the substantive post of Assistant Professor under the Directorate of Higher Education, Tripura since 23.11.2012. The Petitioner had applied to his new post of Associate Professor under Tripura University, only after getting NOC from the Respondents. But after getting appointment in his new post as Associate Professor under Tripura University, most surprisingly and for reasons best known to the Respondents, the benefit of lien has not been granted to the Petitioner. Hence, the instant Writ Petition has been filed by the Petitioner for granting him the benefit of lien for the period of his probation as Associate Professor under Tripura University.

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

Having heard the learned counsel appearing for the parties, without going into the merits of the case, this Court is of the opinion that the matter needs to be disposed of directing the respondents to consider the representation dated 26.12.2023 submitted by the petitioner within a period two months from the date of receipt of the copy of this order. However, the respondents shall also consider the findings as observed by the Hon'ble Apex Court in L.R. Patil v. Gulbarga University, Gulbarga [Civil Appeal No.3254 of 2013] decided on 04.09.2023.

Accordingly, the present petition stands disposed of. As a sequel, miscellaneous application(s) pending, if any, shall stand closed.

T. AMARNATH GOUD, J

A. Ghosh

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