

IN THE HIGH COURT OF TRIPURA
A G A R T A L A

WA No.304 of 2021

1. **The State of Tripura**
to be represented by the Commissioner &
Secretary, Education Department,
Government of Tripura, P.O Kunjaban, P.S.
New Capital Complex, District West Tripura
2. **The Commissioner & Secretary**
Finance Department, Government of
Tripura, P.O Kunjaban, P.S New Capital
Complex, District- West Tripura
3. **The Director of School Education**
Education Department, Government of
Tripura, Shiksha Bhavan, Office Lane, P.O.
Agartala, P.S. West Agartala, District-West
Tripura

- V e r s u s -

Smt. Tapati Debbarma
Wife of Sri Michael Kachari, resident of Vill
Nandan Nagar, P.O Bankumari, P.S New
Capital Complex, District West Tripura

..... Appellant(s)

..... Respondent (s)

WA No.162 of 2022

1. **The State of Tripura**
represented by the Principal Secretary,
Department of School Education,
Government of Tripura, having his office at
Secretariat Building, P.O. Secretariat
Complex, P.S. New Capital Complex,
District West Tripura, PIN 799010
2. **The Director**
Office of the Directorate of Secondary
Education, Government of Tripura, Office
Lane, Agartala, West Tripura, Pin 799003
3. **The Director**
Office of the Directorate of Elementary
Education, Government of Tripura, Office
Lane, Agartala, West Tripura, Pin 799003

4. The Secretary

Department of Finance, having his office at Secretariat Building, P.O. Secretariat Complex, P.S. New Capital Complex, District-West Tripura, PIN 799010

..... Appellant(s)

– V e r s u s –

Sri Rupak Saha

Son of Sri Dulal Chandra Saha, resident of Basak Para, Pratapgarh, P.O. East Pratapgarh, P.S. East Agartala, Agartala, West Tripura.

..... Respondent(s)

WA No.163 of 2022

1. The State of Tripura

Represented by the Principal Secretary, Department of School Education, Government of Tripura, having his office at Secretariat Building, P.O. Secretariat Complex, P.S. New Capital Complex, District West Tripura, PIN 799010

2. The Director

Office of the Directorate of Secondary Education, Government of Tripura, Office Lane, Agartala, West Tripura, Pin 799003

3. The Director

Office of the Directorate of Elementary Education, Government of Tripura, Office Lane, Agartala, West Tripura, Pin 799003

4. The Secretary

Department of Finance, having his office at Secretariat Building, P.O. Secretariat Complex, P.S. New Capital Complex, District West Tripura, PIN 799010

..... Appellant(s)

– V e r s u s –

1. Sri Swapan Das

Son of Lt. Santosh Das, Vill Berimura, P.O. Bamutia, P.S. Lefunga, District West Tripura, Tripura, Pin 799211

2. Kanchan Das

Son of Lt. Sashanka Das, Vill West Kanchanbari, P.O Kanchanbari, District Unakoti, Tripura, Pin 799288

3. **Benu Sangma**
Son of Upendra Sangma, Vill Madhuban
Pritilata, P.O. Ranir Khamar, P.S. Amtali,
District West Tripura, Pin 799003
4. **Ranjan Bhowmik**
Son of Lt. Narayan Bhowmik, Vill
Gakulnagar, P.O. Purba Gakulnagar, P.S.
Bishalgarh, District-Sepahijala, Tripura, Pin
799102
5. **Bibhutosh Rudrapal**
Son of Lt. Gopal Chandra Rudrapal, Vill
Emrapassa, P.O. West Ratacherra, P.S.
Kadamtala, District Unakoti, Tripura, Pin
799290
6. **Dipak Malakar**
Son of Lt. Digendra Malakar, Vill & P.O.
Sonaimuri, District Unakoti, Tripura, Pin
799264
7. **Sushen Debbarma**
Son of Sri Sankar Debbarma, Vill Bidya
Mohan Chow Para, P.O. Ghilatalli Bazar,
P.S. Kalyanpur, District Khowai, Tripura,
Pin 799203
8. **Mousumi Bhattacharjee**
Daughter of Lt. Kanan Bhattacharjee, Vill
South Hurua, P.O. Kameswar, Dharmanagar,
District North Tripura, Tripura, Pin 799253
9. **Subhash Ghosh**
Son of Lt. Nirmal Ghosh, Vill Subhash Park,
Tkdk Road, P.O. Gourangatilla, District-
Khowai, Tripura, Pin 799201
10. **Babul Das**
Son of Sri Rakhal Ch. Das, Vill Malay
Nagar, P.O. Renters Colony, District West
Tripura, Tripura, Pin 799004
11. **Sankar Debnath**
Son of Lt. Prantosh Debnath, Vill & P.O
Chantali, District Unakoti, Tripura, Pin
799279
12. **Renu Lal Ghosh**
Son of Lt. Arun Ghosh, Vill & P.O. Bagma,
Udaipur, District Gomati, Tripura, Pin
799114

- 13. Manik Das**
Son of Sri Haralal Das, Vill & P.O. Golabari,
P.S. Teliamura, District Khowai, Pin 799205
- 14. Rajib Deb**
Son of Sri Indrajit Deb, Vill Gouranga Tila,
P.O. & P.S. Teliamura, District Khowai,
Tripura, Pin 799205
- 15. Manik Saha**
Son of Sri Madhusudhan Saha, Vill Uttar
Ramnagar, P.O. Bimangarh (Narayanpur
Bazar), P.S. Airport, District West Tripura,
Pin 799015
- 16. Sankar Sarkar**
Son of Sri Tarini Sarkar, Vill Barabil, P.O.
Singhicherra, P.O. Singhicherra, P.S.
Khowai, District Khowai, Tripura, Pin
799201
- 17. Babita Debbarma**
Daughter of Jagadish Debbarma, Vill
Biswamani Akhra Bari, P.O East Bachai
Bari, P.S. Champahour, District Khowai,
Tripura, Pin 799201

..... Respondent(s)

WA No.164 of 2022

- 1. The State of Tripura**
Represented by the Principal Secretary,
Department of School Education,
Government of Tripura, having his office at
Secretariat Building, P.O. Secretariat
Complex, P.S. New Capital Complex,
District West Tripura, PIN 799010
- 2. The Director**
Office of the Directorate of Secondary
Education, Government of Tripura, Office
Lane, Agartala, West Tripura, Pin 799003
- 3. The Director**
Office of the Directorate of Elementary
Education, Government of Tripura, Office
Lane, Agartala, West Tripura, Pin 799003
- 4. The Secretary**
Department of Finance, having his office at
Secretariat Building, P.O. Secretariat
Complex, P.S. New Capital Complex,
District West Tripura, PIN 799010

..... Appellant(s)

– V e r s u s –

1. **Sri Dibyajyoti Bhaumik**
Son of Lt. Dhirendra Chandra Bhaumik, Vill College Tilla, P.O. Agartala College, District West Tripura, Tripura, Pin 799004
2. **Sri Sanjoy Nama**
Son of Bhuvan Nama, Vill Mata Bari, P.O. Mata Bari, P.S. R.K. Pur, District Gomati, Tripura, Sub Division Udaipur, Pin 799013
3. **Sri Sanjay Aich**
Son of Sri Bimal Chandra Aich, Vill North Jogendranagar, P.O. Jogendra Nagar, P.S. East Agartala, Sub Division Sadar, District West Tripura, Tripura, Pin 799004
4. **Sri Krishna Debnath**
Son of Lt. Birendra Kr. Debnath, Vill Takmachara, P.O. Takmachara, P.S. Santirbazar, District South Tripura, Tripura, Pin 799125
5. **Sri Tapas Debnath**
Son of Lt. Manoranjan Debnath, Vill Thakurpara, P.O. Melagarh, District Sepahijala, Tripura, Sub Division Sonamura, Pin 799115
6. **Smt. Anima Debnath**
Daughter of Sri Laxman Debnath, C/O Sri Manilal Debnath, Vill Jagatpur, P.O. Abhoynagar, Agartala, District West Tripura, Tripura, Pin 799005.
7. **Smt. Tulsi Mandal**
Daughter of Sri Abinash Chandra Mandal, W/O Samir Biswas, Vill Champlai, P.O. M.T. Para, G.P. Madhya Krishnapur, Ward No 06, P.S. Teliamura, District Khowai, Sub Division Teliamura, Pin 799205

..... Respondent(s)

WA No.165 of 2022

1. **The State of Tripura**
Represented by the Principal Secretary, Department of School Education, Government of Tripura, having his office at Secretariat Building, P.O. Secretariat

Complex, P.S. New Capital Complex,
District- West Tripura, PIN 799010

2. The Director

Office of the Directorate of Secondary
Education, Government of Tripura, Office
Lane, Agartala, West Tripura, Pin 799003

3. The Director

Office of the Directorate of Elementary
Education, Government of Tripura, Office
Lane, Agartala, West Tripura, Pin 799003

4. The Secretary

Department of Finance, having his office at
Secretariat Building, P.O. Secretariat
Complex, P.S. New Capital Complex,
District West Tripura, PIN 799010

..... Appellant(s)

– Versus –

1. Surath Kumar Debbarma

Son of Sri Surendra Debbarma, Vill
Nalichara, Sonaram Kabra Para, P.O Kulai
Bazar, P.S. Ambassa, District Dhalai,
Tripura, Pin 799204

2. Samir Roy

Son of Sri Subhash Roy, Vill & P.O
Ramnagar, Kanchanbari, P.S. Kumarghat,
District North Tripura, Tripura, Pin 799288

3. Suprio Daniel Debbarma

Son of Sri Rabindra Debbarma, Vill:
Nalaichara, P.O- Nalichara, Ambassa,
District- Dhalai, Tripura, Pin 799204

4. Rakesh Debbarma

Son of Sri Nishi Kr. Debbarma, Vill
Murabari, P.O- Durganagar, Ranirbazar,
District West Tripura, Tripura, Pin 799035.

5. Uttam Kr. Das

Son of Sri Makhan Ch. Das, Vill Rajnagar,
P.O & P.S- Teliamura, District West
Tripura, Pin 799205

6. Subhash Nath

Son of Lt. Sunil Baran Nath, Vill Mizapur,
P.O Sarasima, P.S Belonia, District South
Tripura, Tripura, Pin 799155

..... Respondent(s)

WA No.166 of 2022

1. **The State of Tripura**
represented by the Commissioner & Secretary, Department of Education, Government of Tripura, having his office at Secretariat Building, P.O. Secretariat Complex, P.S. New Capital Complex, District West Tripura, PIN 799010
2. **The Commissioner & Secretary**
Department of Education, Government of Tripura, having his office at Secretariat Building, P.O. Secretariat Complex, P.S. New Capital Complex, District West Tripura, PIN 799010
3. **The Commissioner & Secretary**
Finance Department, Government of Tripura, having his office at Secretariat Building, P.O. Secretariat Complex, P.S. New Capital Complex, District West Tripura, PIN 799010
4. **The Director of School Education**
Department of Education, Government of Tripura, having his office at Shiksha Bhavan, Office Lane, P.O. Agartala, P.S. West Agartala, District West Tripura

..... Appellant(s)

– V e r s u s –

1. **Sri Amarjit Das**
Son of Sri Ranjit Das, resident of village Harerkhola, P.O. Garadtilla, P.S. Kamalpur, District Dhalai Tripura, PIN 799285
2. **Sri Pradip Kumar Debnath**
Son of late Pulin Behari Debnath, resident of village South Manikbhandar, P.O. South Manikbhandar, P.S. Kamalpur, District Dhalai Tripura, PIN-799287
3. **Sri Uttam Gope**
Son of Gajendra Lal Gope, resident of village Avanga, Kamalpur to Ambassa road, P.O. Avanga, P.S. Salema, Sub-Division Kamalpur, District Dhalai Tripura, PIN 799286

4. **Sri Rupak Ghosh**
Son of late Naresh Chandra Ghosh, resident of village Harerkhola, P.O. Garadtilla, P.S. Kamalpur, District Dhalai Tripura, PIN 799285
5. **Sri Dilip Ghosh**
Son of late Prafulla Kumar Ghosh, resident of village Fulchari, P.O. & P.S. Kamalpur, Sub-Division Kamalpur, District- Dhalai, Tripura, PIN 799285
6. **Sri Subrata Shil**
Son of late Sadhan Chandra Shil, resident of Village Kamalpur, P.O. & P.S. Kamalpur, Sub-Division Kamalpur, District Dhalai, Tripura, PIN 799285
7. **Sri Krishna Chandra Mahottam**
Son of Narayan Mahottam, resident of village Kishore Ganj, P.O. Kishore Ganj, P.S. Kakraban, Sub-Division Udaipur, District Gomati Tripura, PIN 799105
8. **Sri Jhutan Bhowmik**
Son of Harekrishna Bhowmik, resident of village Mohanpur, P.O. Majlishpur, P.S. Ranirbazar, Sub-Division Jirania, District West Tripura, PIN-799035
9. **Sri Asit Kumar Das**
Son of late Gouranga Das, resident of village-Katashewla, P.O. Jogendra-nagar, P.S. East Agartala, Sub-Division Sadar, District West Tripura, PIN 799010
10. **Sri Ashit Kumar Das**
Son of Ashutosh Das, resident of village Kumaritilla, GB Road, P.O. Abhoynagar, P.S. NCC, Sub-Division Sadar, District West Tripura, PIN 799005
11. **Sri Sanjit Datta**
Son of late Kala Chand Datta, resident of village Bikramnagar, P.O. Sekerkote, P.S. Amtali, Sub-Division Sadar, District West Tripura, PIN 799130
12. **Smt. Anamika Das**
Daughter of late Manohar Das, resident of Amarpur, Fishery Road, P.O. Amarpur,

P.S. Birganj, Sub-Division Amarpur,
District Gomati Tripura, PIN 799101

..... Respondent(s)

WA No.167 of 2022

1. **The State of Tripura**
Represented by the Principal Secretary,
Department of School Education,
Government of Tripura, having his office at
Secretariat Building, P.O. Secretariat
Complex, P.S. New Capital Complex,
District West Tripura, PIN 799010
2. **The Director**
Office of the Directorate of Secondary
Education, Government of Tripura, Office
Lane, Agartala, West Tripura, Pin 799003
3. **The Director**
Office of the Directorate of Elementary
Education, Government of Tripura, Office
Lane, Agartala, West Tripura, Pin 799003
4. **The Secretary**
Department of Finance, having his office at
Secretariat Building, P.O. Secretariat
Complex, P.S. New Capital Complex,
District West Tripura, PIN 799010

..... Appellant(s)

– V e r s u s –

1. **Sri. Uttam Kumar Das**
Son of late Sachindra Ch. Das, Vill. Sekerkote
(Madhyamura), P.O. Sekerkote, P.S. Amtali,
District West Tripura, Pin No 799130
2. **Sri Ajoy Kumar Datta**
Son of Lt. Amulya Datta, Vill Sachindra Nagar,
P.O. North Chebri, P.S. Khowai, District.
Khowai, Tripura, Pin No. 799207
3. **Sri Sukanta Paul**
Son of Sri Haridas Paul, Vill West Piparia
Khola, P.O Abhoy Gonj Bazar, P.S. R.K. Bari,
District South Tripura, Tripura, Sub Division
Belonia, Pin 799155

4. **Sri Santosh Chandra Das**
Son of Lt. Hari Mohan Das, Vill Barmura, P.O. Jatrapur, P.S. Jatrapur, District Sepahijala, Tripura, Pin 799131
5. **Sri Santanu Majumder**
Son of Sri Manomohan Majumdar, Vill Santanagar, P.O. Saddhiasharm, Agartala, District West Tripura, Tripura, Pin 799003
6. **Sri Sankar Prasad Sarma**
Son of Lt. Satyendra Kumar Sarma, Vill Near Nalini Kar Lane, East Chandrapur, P.O. Chandrapur, P.S. Dharmanagar, District North Tripura, Tripura, Pin 799251, Present Address Boxanagar, English Medium S.B School, Boxanagar, District Sepahijala, Tripura
7. **Sri Bimal Das**
Son of Lt. Jatindra Kr. Das, Vill Subhash Nagar, P.O. Birendra Nagar, P.S. Jirania, District West Tripura, Pin- 799045
8. **Sri. Rajib Sarkar**
Son of Sri. Pratul Sarkar, Vill West Charakbai, P.O West Charakbai, P.S. Baikhora, Santirbazar, District South Tripura, Tripura, Pin 799144
9. **Sri Shashanka Debbarma**
Son of Lt. Durga Mohan Debbarma, Vill Padmini Nagar (Taijiling), P.O. Bagmara, P.S. Melaghar, District Sepahijala, Tripura, Pin 799103
10. **Sri Jiban Majumder**
Son of Lt. Rabindra Majumder, Vill Bazrabari Garjee, P.O Garjee, District Gomati, Sub division Udaipur, Tripura, Pin 799125
11. **Sri Rajib Datta**
Son of Sri Kantilal Datta, Vill Fatik Chara, P.O. Fatik Chara, P.S. Lefunga, District- Tripura West, Tripura, Pin 799214
12. **Sri. Rajesh Debnath**
Son of Sri. Mahirlal Debnath, Vill Jogendra Nagar Mahasakti Para, P.O. Jogendra Nagar, P.S. East Agartala, District West Tripura, Sub Division Sadar, Pin 799004

- 13. Sri Bishnupada Karmakar**
Son of Lt. Adhir Chandra Karmakar, Vill Kalachan Kobrapara, P.O. Birendra Nagar, P.S. Jirania, District West Tripura, Pin 799045
- 14. Sri Dipak Sarkar**
Son of Lt. Niranjana Sarkar, Vill Natunpalli, Krishnagar, Pragati Road, Agartala, P.O. Agartala, P.S. West Agartala, District Tripura West, Tripura, Pin 799001
- 15. Smt. Kanika Sinha**
Daughter of Sri Dhanu Kumar Singha, W/O Prasanta Kumar Sinha, Vill Math Chowmuhani, A.A. Road, Banamalipur, Agartala, P.O. Agartala, P.S. East Agartala, District West Tripura, Tripura, Pin 799001
- 16. Sri Dipanjan Sukla Das**
Son of Sri Nityananda Sukla Das, Vill Urmai, P.O. Urmai, P.S. Sonamura, District Sepahijala, Tripura, Pin- 799115
- 17. Sri Asish Kumar Nath**
Son of Lt. Bankim Chandra Nath, Vill Bagbasa, P.O. Bagbasa, P.S. Dharmanagar, District North Tripura, Tripura, Pin 799253
- 18. Sri Partha Nath**
Son of Lt. Kalipada Nath, Vill Nayapara (North), Dharmanagar, District North Tripura, Tripura, Pin 799250
- 19. Sri Sebak Acharjee**
Son of Lt. Guranga Acharya, Vill Ananda Nagar, Road No 6, Agartala, P.O. Ananda Nagar, P.S. Agartala College, District West Tripura, Tripura, Pin 799004
- 20. Sri Apurba Rudra Pal,**
Son of Sri Amulya Rudrapaul, Vill Lama Rajnagar, Rajnagar, P.O. Fatikroy, District Unakoti, Sub Division Kumarghat, Tripura, Pin 799290
- 21. Sri Sujit Das**
Son of Sri Surjya Das, Vill. Khudiram Palli No. 1, P.O. Amarpur, P.S. Birganj, District Gomati, Sub Division Amarpur, Pin 799101

22. **Md. Akil Ali**
Son of Md. Abdul Muktar, Vill Nadiapur, P.O. Kalacherra, P.S. Churaibari, District North Tripura, Tripura, Pin 799251
23. **Sri. Biswajit Paul**
Son of Sri Bankim Paul, Vill Kameswar, Dharmanagar, District North Tripura, Tripura, Pin 799253
24. **Sri Debasish Sarkar**
Son of Sri Bikash Sarkar, Vill Joynagar, Road No 7, Near Upendra Bidhya Bharan Girls H.S School, Agartala, District West Tripura, Tripura, Pin 799001
25. **Sri Gopal Debnath**
Son of Lt. Benu Lal Debnath, Vill Tulamura, Near Tulamura Bazar, P.O Jitendranagar, P.S Kakraban, District Gomati, Sub Division Udaipur, Tripura, Pin 799105
26. **Smt. Sonali Routh**
Daughter of Sri Samar Routh, Vill Ranjitnagar, Gangali Road, P.O. Ramnagar, P.S. Ramnagar, District West Tripura, Tripura, Sub Division Sadar, Pin 799002

..... Respondent(s)

WA No.172 of 2022

1. **The State of Tripura**
Represented by the Principal Secretary, Department of School Education, Government of Tripura, having his office at Secretariat Building, P.O. Secretariat Complex, P.S. New Capital Complex, District West Tripura, PIN 799010
2. **The Director**
Office of the Directorate of Secondary Education, Government of Tripura, Office Lane, Agartala, West Tripura, Pin 799003
3. **The Director**
Office of the Directorate of Elementary Education, Government of Tripura, Office Lane, Agartala, West Tripura, Pin 799003
4. **The Secretary**
Department of Finance, having his office at Secretariat Building, P.O. Secretariat

Complex, P.S. New Capital Complex,
District West Tripura, PIN 799010

..... Appellant(s)

– V e r s u s –

1. **Smt. Minakshi Deb**
Daughter of Sri. Dinesh Ch. Deb, wife of
Sri. Prasanta Kumar Dey, Vill Bardowali
(Harish Arabindo Lane), A.D. Nagar,
Agartala, P.O Agartala, P.S West Agartala,
District West Tripura, Tripura, Pin 799003
2. **Sri Samiran Debnath**
Son of Lt. Lal Mohan Debnath, Vill
Nayania Mura, P.O West Noabadi, P.S East
Agartala, District West Tripura, Pin 799008
3. **Sri Babul Telenga**
Son of Sri Pataiya Telenga, Vill Ganki,
P.O. Ganki, P.S Khowai, District Khowai,
Tripura, Pin 799201
4. **Sri Prasenjit Dasgupta**
Son of Sri Ranjit Dasgupta, Vill Akhaura
Road (Opp. Western Club), P.O Ramnagar,
P.S West Agartala, District West Agartala,
Tripura, Sub Division Sadar, Pin 799002

..... Respondent(s)

WA No.173 of 2022

1. **The State of Tripura**
Represented by the Principal Secretary,
Department of School Education,
Government of Tripura, having his office at
Secretariat Building, P.O. Secretariat
Complex, P.S. New Capital Complex,
District West Tripura, PIN 799010
2. **The Director**
Office of the Directorate of Secondary
Education, Government of Tripura, Office
Lane, Agartala, West Tripura, Pin 799003
3. **The Director**
Office of the Directorate of Elementary
Education, Government of Tripura, Office
Lane, Agartala, West Tripura, Pin 799003
4. **The Secretary**
Department of Finance, having his office at
Secretariat Building, P.O. Secretariat

Complex, P.S. New Capital Complex,
District West Tripura, PIN 799010

..... Appellant(s)

– V e r s u s –

Dipu Debbarma

Son of Sri Jogesh Debbarma, village Uttala
Para, P.O. Madhu Chowdhury Bazar, P.S.
Sidhai, District West Tripura, PIN 799211

..... Respondent(s)

WA No.176 of 2022

1. **The State of Tripura**
Represented by the Principal Secretary,
Department of School Education,
Government of Tripura, having his office at
Secretariat Building, P.O. Secretariat
Complex, P.S. New Capital Complex,
District West Tripura, PIN 799010
2. **The Director**
Office of the Directorate of Secondary
Education, Government of Tripura, Office
Lane, Agartala, West Tripura, Pin 799003
3. **The Director**
Office of the Directorate of Elementary
Education, Government of Tripura, Office
Lane, Agartala, West Tripura, Pin 799003
4. **The Secretary**
Department of Finance, having his office at
Secretariat Building, P.O. Secretariat
Complex, P.S. New Capital Complex,
District West Tripura, PIN 799010

..... Appellant(s)

– V e r s u s –

1. **Biplab Kuri**
Son of Sri Ranjit Kuri, Vill Assampara,
Majlishpur, P.O Ranirbazar, P.S Jirania,
District West Tripura, Tripura, Pin 799035
2. **Sujit Shil**
Son of Sri Nikhil Ch. Shil, Vill
Debendrachandra Nagar, P.O Lembucherra,
P.S Airport, District West Tripura, Tripura

3. **Paramita Saha**
Daughter of Sri Rakesh Ch. Saha, Vill
Vivekanandanagar, Bishalgarh, P.O Renters
Coloney, P.S East Agartala, District West
Tripura, Tripura, Pin 799004
4. **Debabrata Rakshit**
Son of Sri Amar Ch. Rakshit, Vill Madhya
Joynagar , P.O Agartala, P.S West Agartala,
District West Tripura, Tripura, Pin 799001
5. **Pintu Pal,**
Son of Sri Mahindra Kr. Pal, Vill & P.O
Rangauti, Kailashahar, District West
Tripura, Tripura, Pin 799281

..... Respondent(s)

WA No.25 of 2023

1. **The State of Tripura**
Represented by the Commissioner &
Secretary, Education Department,
Government of Tripura, having his office at
Secretariat Building, PO Kunjaban, PS New
Capital Complex, District West Tripura, PIN
799006.
2. **The Commissioner & Secretary**
Education Department, Government of
Tripura, having his office at Secretariat
Building, PO Kunjaban, PS New Capital
Complex, District West Tripura, PIN
799006.
3. **The Commissioner & Secretary**
Finance Department, Government of
Tripura, having his office at Secretariat
Building, PO Kunjaban, PS New Capital
Complex, District West Tripura, PIN
799006.
4. **The Director of School Education**
Education Department, Government of
Tripura, having his office at Shiksha Bhavan,
Office Lane, PO Agartala, PS West Agartala,
District West Tripura.

..... Appellant(s)

– V e r s u s –

1. **Sri Anindya Chakraborty**
Son of Sri Arun Chakraborty, resident of Vill Purba Professor Para, College Tilla, PO Agartala College, PS East Agartala, Sub Division Sadar, District West Tripura, PIN 799004
2. **Smt. Dipa Deb**
Daughter of Sri Nani Gopal Deb, resident of Village West Pratapgarh, Kabiraj Tilla, PO AD Nagar, PS West Agartala, Sub Division Agartala, District West Tripura, Pin 799003
3. **Sri Animesh Sarkar**
Son of Sri Binod Chandra Sarkar, resident of village Latua Tilla, PO Muhuripur, PS Baikhora, Sub-Division Santirbazar, District South Tripura, Pin 799142
4. **Sri Joy Acharjee**
Son of Sri Salil Kanti Acharjee, resident of village Krishnangar, PO Agartala, PS West Agartala, Sub-Division Agartala, District West Tripura, Pin 799001

.... Respondent(s)

WA No.68 of 2023

1. **The State of Tripura**
represented by the Commissioner & Secretary, Education Department, Government of Tripura, having his office at Secretariat Building, PO Kunjaban, PS New Capital Complex, District West Tripura, PIN 799006.
2. **The Commissioner & Secretary**
Education Department, Government of Tripura, having his office at Secretariat Building, PO Kunjaban, PS New Capital Complex, District West Tripura, PIN 799006.
3. **The Commissioner & Secretary**
Finance Department, Government of Tripura, having his office at Secretariat Building, PO Kunjaban, PS New Capital Complex, District West Tripura, PIN 799006.
4. **The Director of School Education**
Education Department, Government of Tripura, having his office at Shiksha

Bhavan, Office Lane, PO- Agartala, PS- West Agartala, District- West Tripura.

..... Appellant(s)

– V e r s u s –

1. **Sri Tapas Majumder**
Son of Late Prafulla Kumar Majumder, resident of village Panchamukh, PO ONGC Colony, PS Amtali, Sub Division Agartala, District West Tripura, PIN 799014
2. **Sri Pulak Ranjan Das**
Son of Sri Pran Kumar Das, resident of village Vivekanandanagar, Ward No.7, PS Ambassa, Sub-Division Ambassa, District Dhalai Tripura, PIN 799289
3. **Sri Anup Chandra Paul**
Son of Sri Arun Chandra Paul, resident of Village & PO Halahali, PS Kamalpur, Sub-Division Kamalpur, District Dhalai Tripura, PIN 799286
4. **Sri Bibash Roy**
Son of Sri Bijan Kumar Roy, resident of Village & PO Manik Bhandar, PS Kamalpur, Sub-Division Kamalpur, District Dhalai Tripura, PIN 799287
5. **Sri Goutam Paul**
Son of Late Gopal Chandra Paul, resident of Village Nakful, PO Halihali, PS Salema, Sub-Division Kamalpur, District Dhalai Tripura, PIN 799286
6. **Sri Prabir Acharjee**
Son of Late Pratap Chandra Acharjee, resident of Village & PO Kamalpur, District Dhalai Tripura, PIN 799287,
7. **Sri Takar Mani Tripura**
Son of Sri Keshari Mohan Tripura, resident of village Srinibash Para, PO Shikaribari, PS Ambassa, Sub-Division Ambassa, District Dhalai Tripura, PIN 799289
8. **Sri Biswanath Chakraborty**
Son of Sri Hari Bhushan Chakraborty, resident of Village & PO Kamalpur, PS Kamalpur, Sub-Division Kamalpur, District Dhalai Tripura

9. **Sri Prasanta Pal**
Son of Sri Srish Chandra Paul, resident of Village Kalachari, PO Manik Bhandar, PS Kamalpur, Sub-Division Kamalpur, District Dhalai Tripura
10. **Sri Chitta Ranjan Sarkar**
Son of Sri Bamacharan Sarkar, resident of Village & PO North Nalichara, PS Ambassa, Sub-Division Ambassa, District Dhalai Tripura, PIN 799204
11. **Smt. Anamika Choudhuri**
Daughter of Sri Shithil, resident of village Hospital Road, PO Dharmanagar, Sub-Division Dharmanagar, District North Tripura, PIN 799250
12. **Sri Ripan Das**
Son of Sri Nepal Chandra Das, resident of Village Sripur, PO Halflongcherra, Sub-Division Dharmanagar, District North Tripura, PIN 799254
13. **Sri Ranjit Paul**
Son of Late Chitta Ranjan Paul, resident of Village Padmapur near Cookwell, PO Dharmanagar, Sub-Division Dharmanagar, District North Tripura, PIN 799250

..... Respondent(s)

WA No.69 of 2023

1. **The State of Tripura**
represented by the Commissioner & Secretary, Education Department, Government of Tripura, having his office at Secretariat Building, PO- Kunjaban, PS New Capital Complex, District West Tripura, PIN 799006
2. **The Commissioner & Secretary**
Education Department, Government of Tripura, having his office at Secretariat Building, PO Kunjaban, PS New Capital Complex, District West Tripura, PIN 799006

3. The Commissioner & Secretary

Finance Department, Government of Tripura, having his office at Secretariat Building, PO Kunjaban, PS New Capital Complex, District West Tripura, PIN 799006

4. The Director of School Education

Education Department, Government of Tripura, having his office at Shiksha Bhavan, Office Lane, PO Agartala, PS West Agartala, District West Tripura

..... Appellant(s)

– V e r s u s –

1. Sri Dipak Das

Son of Ramendra Kumar Das, resident of Village & PO East Machli, PS Manu, Sub-Division Longtharai Valley, District Dhalai Tripura, PIN 799275

2. Smt. Rashmi Debbarma

Daughter of Sri Hirendra Debbarma, resident of village Dharmatilla, Juri R.F., PO Dharmatilla, PS Panisagar, Sub-Division Panisagar, District North Tripura, Pin 799260

3. Sri Arjun Roy

Son of Late Jitendra Chandra Roy, resident of Village Belabar, PO S.D. Mission, PS Amtali, Sub-Division Sadar, District West Tripura, PIN 799003

4. Sri Prasanta Debnath

Son of Pratap Debnath, resident of Village Rowa, PO Rowa Bazaar, PS Panisagar, Sub Division Panisagar, District North Tripura, PIN 799260

5. Sri Rajesh Gupta

Son of Himangshu Kumar Gupta, resident of village Town Panisagar, PO & PS Panisagar, Sub-Division Panisagar, District North Tripura, PIN 799260

6. Sri Binod Debbarma

Son of Chandi Debbarma, resident of village Baladhum Para, PO & PS Mandwi, Sub-Division Jirania, District West Tripura, Pin 799045

7. **Sri Amar Debnath**
Son of Sri Laxmi Kanta Debnath, resident of village Rupaspur, PO & PS Kamalpur, Sub-Division Kamalpur, District Dhalai Tripura, PIN 799285
8. **Sri Nandalal Debbarma**
Son of Late Rajmohan Debbarma, resident of village Naba Chandra Para, PO Amarendra Nagar, PS Bishramganj, Sub-Division Jampuijala, District Sepahijala Tripura, PIN 799103
9. **Sri Binoy Das**
Son of Sri Bireshwar Das, resident of village & PO Bampur, PS Birganj, Sub-Division Amarpur, District Gomati Tripura, PIN 799101
10. **Sri Sanjoy Biswas**
Son of Sri Satya Pada Biswas, resident of Village & PO East Kameswar, PS.Dharmanagar, Sub-Division Dharmanagar, District North Tripura, Pin 799253
11. **Sri Anath Das**
Son of Late Apurba Kumar Das, resident of Panisagar Nagar Panchayat, PO & PS Panisagar, Sub-Division Panisagar, District North Tripura, PIN 799260
12. **Smt. Susmita Neogi**
Daughter of Late Satindra Neogi, wife of Sri Arup Dey, resident of village Fulkumari 1 No., PO & PS R.K. Pur, Sub-Division Udaipur, District Gomati Tripura, PIN 799120
13. **Sri Dulan Debchoudhury**
Son of Sri Dilip Debchoudhury, resident of village- Durganagar, PO & PS Khowai, Sub-Division Khowai, District Khowai Tripura, PIN 799201
14. **Sri Utpal Barman**
Son of Sri Sunil Barman, resident of village Dakshin Kalamchowra, PO & PS

Kalamchowra, Sub- Division Sonamura,
District Sephaijala Tripura, PIN 799102

15. **Sri Swapan Das**
Son of Sri Gopinath Das, resident of
village Dhalabil, PO Khowai Tea Garden,
PS Khowai, Sub-Division Khowai, District
Khowai Tripura, PIN 799201
16. **Sri Pintu Roy**
Son of Sri Pradip Ranjan Roy, resident of
village Halairpar, PO Srirampur, PS
Kailashahar, Sub-Division Kailashahar,
District Unakoti Tripura, PIN 799277
17. **Sri Ramananda Das**
Son of Late Binod Behari Das, resident of
village & PO Charipara, PS Amtali, Sub-
Division Sadar, District West Tripura, PIN
799003
18. **Sri Rajib Das**
Son of Sri Rakhal Das, resident of village
S.D. Mission, PO S.D. Mission, A.D.
Nagar, PS A.D. Nagar, Sub-Division
Sadar, District West Tripura, PIN 799003,
19. **Sri Chandan Kanti Sen,**
Son of Sri Nityananda Sen, resident of
village & PO- Rajarbag, PS R.K.Pur, Sub-
Division Udaipur, District Gomati Tripura,
PIN 799120
20. **Smt. Gopa Ghosh**
Wife of Sri Kalipada Ghosh, resident of
village Kandigram, PO Manikbhandar, PS
Kamalpur, Sub-Division Kamalpur,
District Dhalai Tripura, PIN 799287
21. **Smt. Swarupa Chakma**
Wife of Sri Priya Shanti Chakma, resident
of village Madhab Master Para, PO
Mainama, PS-Chailengta, Sub-Division
Longtharai Valley, District Dhalai Tripura,
PIN 799275
22. **Smt. Sathi Rani Das**
Daughter of Sri Sujit Kumar Das, resident
of Town Panisagar, PO & PS Panisagar,
Sub-Division Panisagar, District North
Tripura, PIN 799260

- 23. Sri Swapan Debbarma**
Son of Late Laxmi Ram Debbarma, resident of village Birmohan Chowdhury Para, PO Barkathal, PS Sidai Mohanpur, Sub-Division Mohanpur, District West Tripura, PIN 799211
- 24. Sri Satyasan Sarkar**
Son of Late Niranjan Sarkar, resident of Village Kalapania, PO Satchand, PS Manu Bazar, Sub-Division Sabroom, District South Tripura, PIN 799143
- 25. Sri Sudip Sen**
Son of Late Arun Chandra Sen, resident of village Kalikapur, PO Hrishyamukh, PS Belonia, Sub-Division Belonia, District South Tripura, PIN- 799156
- 26. Sri Kishor Debbarma**
Son of Sri Madhan Debbarma, resident of village Bardha Chandra Para, PO Pravapur, PS Srinagar, Sub-Division Jampuijala, District Sepahijala Tripura, PIN 799130
- 27. Saiful Islam**
Son of Abul Kashem, resident of village Birampur, PO & PS Jatrapur, Sub-Division Sonamura, District Sepahijala Tripura, PIN 799132
- 28. Sri Indrajit Das**
Son of Sri Haradhan Das, resident of village- Garurband, PO Urmal, PS Sonamura, Sub-Division Sonamura, District Sepahijala Tripura, PIN 799115
- 29. Sri Pintu Majumder**
Son of Late Jyotish Chandra Majumder, resident of village Dudhpuskarini, PO Mogpuskarini, PS Kakraban, Sub-Division Udaipur, District Gomati Tripura, PIN 799105
- 30. Sri Dulal Chandra Das**
Son of Late Haralal Das, resident of village Purba Durlavnarayan, PO Durlavnarayan, PS Sonamura, Sub-Division Sonamura, District Sepahijala Tripura, Pin 799115

- 31. Sri Prabhat Mallik**
Son of Sri Sukhendu Bikash Mallik,
resident of village Vidyasagar Pally (A
Block), PO Ishan Chandra Nagar, PS
Amtali, Sub-Division Sadar, District West
Tripura, PIN 799003
- 32. Sri Kulendra Nath,**
Son of Sri Sukumar Nath, resident of
village & PO Tilthai, PS Panisagar, Sub-
Division Dharmanagar, District North
Tripura, PIN 799260
- 33. Smt. Arpita Rudra Paul,**
Daughter of Sri Mulya Rudra Paul, resident
of village Town Sonamura Chowmuhuni,
PO & PS R.K.Pur, Sub-Division Udaipur,
District Gomati Tripura, PIN 799128

..... Respondent(s)

WA No.92 of 2023

- 1. The State of Tripura**
to be represented by the Principal Secretary,
Department of School Education, having his
office at Secretariat Building, P.O.
Secretariat Complex, P.S. Capital Complex,
District- West Tripura, PIN-799010
- 2. The Commissioner & Secretary**
Education Department, Government of
Tripura, having his office at Secretariat
Building, P.O. Kunjaban, P.S. Capital
Complex, District- West Tripura, PIN-
799006
- 3. The Commissioner & Secretary,**
Finance Department, having his office at
Secretariat Building, P.O. Kunjaban, P.S.
Capital Complex, District- West Tripura,
PIN-799006
- 4. The Director of School Education**
Education Department, Government of
Tripura, Shiksha Bhavan, Office Lane, P.O.
Agartala, P.S. West Agartala, District-West
Tripura

..... Appellant(s)

– V e r s u s –

Smt. Sadhana Debbarma

daughter of Sri Puni Ram Debbarma, wife of
Sri Shyamal Debbarma, resident of village-
Chargaria Para, Mandwi Bazar, P.O. & P.S.
Mandwi, Sub-Division- Jirania, District-
West Tripura, PIN-799045

..... Respondent (s)

WP(C) No.625 of 2023

1. **Sri Suman Paul**
Son of Sri Mihir Chandra Paul, resident of
village Manu Bazar, PO & PS Manu Bazar,
Sub-Division Sabroom, District-South
Tripura, PIN 799143.
2. **Sri Malen Sukla Das**
Son of Sri Manindra Sukla Das, resident of
village East Ramchandraghat, PO North
Ramchandraghat, Sub-Division Khowai,
District Khowai Tripura, PIN 799207.
3. **Sri Nirjal Debbarma**
Son of Sri Bidya Debbarma, resident of
village Lankapura, PO Chankhala, PS
Khowai, Sub-Division Khowai, District
Khowai, Tripura, PIN 799207.
4. **Sri Paresh Tripura**
Son of Late Raj Chandra Tripura, resident
of village West Sabroom, PO Kathalchari,
PS Sabroom, Sub-Division Sabroom,
District South Tripura, PIN 799145.

..... Petitioner(s)

– V e r s u s –

1. **The State of Tripura**
represented by the Commissioner &
Secretary, Education Department,
Government of Tripura, having his office at
Secretariat Building, PO- Kunjaban, PS-
New Capital Complex, District- West
Tripura, PIN-799006.
2. **The Commissioner & Secretary**
Education Department, Government of
Tripura, having his office at Secretariat
Building, PO Kunjaban, PS New Capital
Complex, District West Tripura, PIN
799006.

3. **The Commissioner & Secretary**
Finance Department, Government of Tripura, having his office at Secretariat Building, PO Kunjaban, PS New Capital Complex, District West Tripura, PIN 799006.
4. **The Director of School Education**
Education Department, Government of Tripura, having his office at Shiksha Bhavan, Office Lane, PO Agartala, PS West Agartala, District West Tripura.

..... Respondent(s)

For the Appellant (s)	:	Mr. S.S. Dey, Advocate General Mr. Kohinoor N. Bhattacharjee, GA Mr. D. Sarma, Addl. GA Mr. M. Debbarma, Addl. GA Ms. A. Chakraborty, Adv. Mr. S. Saha, Adv.				
For the Respondent (s)	:	Mr. P. Roy Barman, Sr. Adv. Mr. Somik Deb, Adv. Mr. Samarjit Bhattacharjee, Adv. Mr. K. Nath, Adv. Ms. R. Chakraborty, Adv. Mr. P. Chakraborty, Adv.				
Date of hearing & delivery of Judgment & order	:	09.01.2024				
Whether fit for reporting	:	<table border="1"><tr><td>YES</td><td>NO</td></tr><tr><td></td><td></td></tr></table>	YES	NO		
YES	NO					

HON’BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON’BLE MR. JUSTICE S.D. PURKAYASTHA

JUDGMENT & ORDER (ORAL)

Heard Mr. S.S. Dey, learned Advocate General, Mr. Kohinoor N. Bhattacharjee, learned G.A, Mr. D. Sarma, learned Addl. GA, Mr. M. Debbarma, learned Addl. G.A, Ms. A. Chakraborty, learned counsel and Mr. P. Saha, learned counsel appearing for the State-appellants as well as Mr. P. Roy Barman, learned senior counsel, Mr. Somik Deb, learned senior counsel assisted by Mr. S. Bhattacharjee, learned counsel, Mr. K. Nath, learned counsel, Ms. R.

Chakraborty, learned counsel and Mr. P. Chakraborty, learned counsel appearing for the writ petitioner in these matters respectively.

[2] The background in which the present batch of writ appeals and writ petition have come before this court needs to be referred in brief at the outset before dealing with the issue involved herein.

In the State of Tripura, the appointment of 10323 teachers were set aside by the judgment rendered by the Division Bench of this Court in the case of **Tanmoy Nath & others vs. State of Tripura & others**, reported in (2014) 2 TLR 731. The Court proceeded to issue a set of directions which included a direction upon the State to complete a fresh process of selection of teachers in all categories on or before 31st December, 2014; to frame a new Employment Policy within a period two months and carry out the selections in accordance with the fresh policy as early as possible and not later than 31st December, 2014. The learned court also issued directions giving the outline of the manner in which such guidelines have to be framed at Para-124 of the Judgment. The directions contained in Para-125 of the judgment are the basis for the present batch of litigations as these writ petitioners-respondents have been re-employed in a fresh recruitment exercise to fill up the different post of teachers. The advertisements were issued and the recruitment process was initiated before 31st March, 2020. Para-125 of **Tanmoy Nath** (*supra*) reads as under:

“125. We would also like to make it clear that other than the benefits indicated by us above there can be no reservation/preference on the basis of age. There shall be no preference to dependent government servants or retired government employee or retrenched employees etc. There can be no reservation for linguistic or religious minorities or on area wise basis. It is further made clear that if the persons who are selected in the previous selection are again selected then the service rendered by them earlier shall be counted for the purpose of seniority, pension and all other purposes.”

[3] It is pertinent to mention here that the judgment of **Tanmoy Nath** (*supra*) was taken in an appeal before the Apex Court. The Apex Court modified the directions contained in Para-123 of the impugned judgment in the following manner while disposing the Writ Appeals by judgment dated 29th March, 2017:

“Since we do not find any ground to interfere with the impugned order, the directions in para 123 now required to be suitably modified. We, therefore, direct:

(a) New Employment Policy should be framed by the State by 30th April, 2017 if not already framed and advertisements for filling up the vacancies may be issued latest by 31st May, 2017.

(b) The fresh selection process be completed on or before 31st December, 2017 and till the fresh process is completed, the teachers already appointed shall continue.

(c) The candidates who participated in the selection process pursuant to the advertisements in question, whether selected or not, will be allowed to participate in the fresh selection process by relaxing their age but subject to their having necessary qualifications.

(d) The qualifications in the case of teachers governed by the provisions of the Right of Children to Free and Compulsory Education Act, 2009 shall be in conformity with the relevant statutory provisions of the said Act.

(e) The qualifications of teachers employed for Classes IX and above shall be strictly in compliance with the relevant provisions concerning such appointments.

Subject to the aforesaid modifications, the view taken by the High Court in the impugned order is affirmed and the special leave petitions are dismissed.

Pending application(s), if any, also stand disposed of.”

[4] The Apex Court disposed of the appeal of the State Government finally by the order dated 29th March, 2017. The State took extensions for extending the adhoc appointment of the terminated teachers beyond 31st December, 2017 by filing interlocutory application before the Apex Court. The last extension was granted vide order dated 2nd August, 2017 in a Contempt Petition (C) No.1706/2017 filed in SLP(C) Nos. 18993-19049/ 2014 which is also extracted hereunder:

“On 01.11.2018, this Court permitted State of Tripura to avail services of terminated teachers until the end of the Academic Session 2019-2020. The observations in that behalf were as under:

‘..... Having considered the matter, we are of the view that at this stage, we ought to permit the State of Tripura to continue to avail of the services of the terminated teachers until the end of the academic session 2020, meaning the academic session 2019-2020. The above direction has been issued in the peculiar facts of the case and the circumstances which have confronted the State of Tripura and above all, the need to functioning of teaching activities in schools in the State of Tripura remains unaffected.’

The affidavit reporting compliance has since then been filed on 24.04.2019 indicating various steps taken and endeavours made by the State.

In view of the affidavit, nothing further need be done in the matter. This Contempt Petition is closed.”

[5] It is an accepted fact that adhoc services of the teachers which got extended beyond 31st December, 2017 got terminated w.e.f. 31st March, 2020 [afternoon] by the Government of Tripura. Be it also indicated here that in a decision rendered in connection with the same matter relating to termination of the teachers in the case of **Ajoy Debbarma & others vs. State of Tripura and others [(2020) 8 SCC 67]** it has been taken note of at Para-8 of the judgment that by the end of Academic Session 2019-2020, 8,882 adhoc teachers were working in the School Education Department in terms of the directions issued in **Tanmoy Nath (supra)** and by the Apex Court. The services of the concerned teachers stood terminated after the Academic Session 2019-2020. Several teachers who got reemployment prior to 31st March, 2020 approached this Court for counting of their past services as per Para-125 of the judgment in **Tanmoy Nath (supra)** as affirmed by the Apex Court. That set of writ petitions was heard and decided by the learned Single Judge of this Court presided by Hon’ble the then Chief Justice vide judgment dated 29th January, 2020 in the case of **Smt. Sangita Reang and others vs. The state of Tripura and others [WP(C)]**

No.295 of 2019 & others]. Learned Court in the said case has taken note in Para-6 of the judgment that the writ petitioners had applied afresh for selection and appointment pursuant to advertisements in different categories for which they were qualified after obtaining proper permissions from the employer. A common advertisement was issued on 27th May, 2017 for selection of the notified vacancies for the posts of Graduate as well as Post Graduate Teachers. A similar but separate advertisement was also issued on 27th May, 2017 inviting candidates to apply for the post of Under Graduate Teachers for filling up the number of notified vacancies. All those petitioners were selected and appointed pursuant to such selection process in different categories. Such appointment orders were issued in the year 2017-2018 and they had been working on such post since then.

[6] The issue involved in those batch of writ petitions led by the case of **Smt. Sangita Reang and others vs. The state of Tripura and others** [judgment and order dated 29.01.2020 in W.P.(C) No.295 of 2019 and others] was regarding the claim for benefit of past services in the light of Para-125 of the decision in **Tanmoy Nath** (*supra*). Learned Writ Court proceeded to categorise 3[three] different situations in which the petitioners would fall depending upon 3[three] broad categories. The three categories are as such:

[i] Category-I was of those teachers who were previously selected and appointed on a particular post which was set aside by the Court in **Tanmoy Nath** (*supra*) and had through fresh selection process being selected and appointed on the same post.

[ii] Category-II comprises of such teachers whose appointments were also set aside but in the fresh selection process they were appointed to a post higher than the one which they previously held.

[iii] Category-III was of those teachers who after being terminated pursuant to **Tanmoy Nath** (*supra*) were appointed on a post lower than they previously held.

[7] The learned Court discussed the variance in the situation of these three categories and devised a principle as to how the benefit of past services as contemplated in Para-125 of **Tanmoy Nath** (*supra*) would be conferred on them. Para-30 of the judgment in **Sangita Reang & others** (*supra*) is extracted hereunder:

“30. Under the circumstances, petitions are disposed of with following directions:

(i) In case of Category-I cases, the petitioners shall receive full benefit of the past service for the purpose of seniority, pension and all other purposes.

(ii) In Category-II cases, past service rendered by the petitioners will be counted for the purpose of pension, pay fixation and all other purposes except for seniority. In other words, it is provided that the pay of these petitioners would be fixed in their respective posts pursuant to fresh appointments taking into account entire past service rendered by them and bearing in mind the principles contained in F.R.22 of the Fundamental Rules. However, their past service shall not count towards seniority. They would be placed at the bottom of seniority as on the date of their fresh appointments. It is clarified that these directions shall not enable any other teachers in the same cadre or any other cadre to claim upgradation of his/her pay by seeking removal of anomaly or in any other manner.

(iii) In Category-III cases, the petitioners' past service would be counted for the limited purpose of retaining their leave credit, provident fund, pension and gratuity and further that they will be placed in the regular scale of pay from the date of their fresh appointment and the pay will be fixed at the minimum of the scale. They would receive all admissible allowances.”

[8] It is agreed at the Bar that the decision in **Sangita Reang & others** (*supra*) has been complied with and also followed in the later decision of learned Single Judge of this court in the case of **Prasanta Pal vs. State of Tripura and others** [W.P.(C) No.381 of 2020 order dated 06.07.2020]. In the present batch of writ petitions, the petitioners were also amongst those 10323 teachers whose services were terminated. These petitioners claim to have participated in the recruitment exercise to different post of teachers conducted by the Government of Tripura initiated prior to 31st March, 2020.

[9] However, it is canvassed on behalf of the writ petitioners that the selection processes were completed in December, 2019 but the actual offer of appointments were issued after 31st March, 2020 due to the intervention of Covid-19. In substance, these petitioners were re-employed after their adhoc services were terminated on 31st March, 2020. Apart from this broad factual position, it has been pointed out on behalf of the State by the learned Advocate General that one or other of the writ petitioners, such as Smt. Tapati Debbarma in Writ Appeal No.304 of 2021 arising out of W.P.(C) No.617 of 2020 factually did not continue in employment upon adhoc extension granted after 31st December, 2017 though she also participated in the fresh selection exercise and she got reemployed in 2018.

[10] In this background, learned Advocate General has submitted that the observations made at Para-125 in **Tanmoy Nath** (*supra*) and as read in the case of **Sangita Reang & others** (*supra*) do not apply in exact terms to the case of the present writ petitioners. The fault lines being (i) that they were re-employed after 31st March, 2020 (ii) some of them did not continue in service on adhoc basis after their termination on 31st December, 2017 and could not be

stated to be in service till 31st March, 2020 (iii) some of these petitioners also did not appear to have submitted technical resignation and permission of the employer to participate in the fresh selection exercise.

[11] It is also submitted by the learned Advocate General that the pleadings in the writ petitions are also sketchy on these factual aspects. As such, the import of the judgment in **Tanmoy Nath** (*supra*) as affirmed by the Apex Court and read further by the learned Writ Court in the case of **Sangita Reang & others** (*supra*) would not apply in the same terms to the case of the present writ petitioner- respondents.

[12] Learned senior counsel appearing for the writ petitioner- respondents have however argued to the contrary. It is their common case that delay in offer of appointment to the writ petitioners on the part of the Government could not be to their disadvantage as they had participated in the fresh selection exercise initiated prior to 31st March, 2020. The writ petitioners also had applied for permission before the competent authority. Learned senior counsel for the writ petitioners however also submit that the principles laid down in the case of **Sangita Reang & others** (*supra*) apply to their case as per the three categories devised by the learned court. Learned senior counsel for the writ petitioners are not able to controvert this contention of the State that for availing the benefit of past service, the terminated teachers ought to have continued till 31st March, 2020 on adhoc extensions beyond 31st December, 2017 as was the situation in the case of **Sangita Reang & others** (*supra*). It is however also pointed out that since the offer of appointment was made after 31st March, 2020, the question of offering technical resignation did not arise as their adhoc extensions were already terminated by 31st March, 2020. In summary, they

submit that the principles laid down by this Court in the case of **Sangita Reang & others** (*supra*) do apply to the case of the present writ petitioner depending upon either of the three categories in which they fall. Delay in offer of appointment cannot be the basis to defeat the benefit of past service as granted by this Court in the case of **Tanmoy Nath** (*supra*) at Para-125 and read into by the learned Writ Court in the case of **Sangita Reang & others** (*supra*).

On behalf of the writ petitioners, reliance is also placed on a Division Bench decision of this Court in the case of **Babul Debnath and others vs. State of Tripura and others**, rendered on 21st January, 2019 in W.P.(C) No.435 of 2018 & others, that the ratio contained in Para-125 of **Tanmoy Nath** (*supra*) have been reiterated therein.

[13] Bereft of details of the individual writ petitioners the broad contours of the present matters have been outlined in the foregoing paragraphs of this judgment. The issue which falls for consideration in the present batch of appeals and writ petition is whether such teachers whose services were terminated by the judgment of this Court in **Tanmoy Nath** (*supra*) could be entitled to the benefit of their past services as provided at Para-125 of the decision in **Tanmoy Nath** (*supra*) and in the manner read into by the learned Court in the case of **Sangita Reang & others** (*supra*) or not since these writ petitioners have been reemployed after 31st March, 2020 i.e. when the adhoc extension to the services of such terminated teachers came to an end.

[14] We are of the considered view that the distinction between the present set of writ petitioners and that of **Sangita Reang and others** (*supra*) sought to be drawn on behalf of the State-appellants is artificial and cannot be used to deny the benefits conferred by this Court in the case of **Tanmoy Nath**

(*supra*) as affirmed by the Apex Court and dealt with in the case of **Sangita Reang & others** (*supra*).

[15] As noted above, the distinction which is sought to be drawn in the present batch of writ petitions/appeals is on the ground that the writ petitioners herein were re-employed after their services came to an end on 31st March, 2020. It is, however, not in dispute that the writ petitioners had participated in the fresh selection exercise which was initiated by the State Government prior to 31st March, 2020 and possibly the selection process was over but the offer of appointments were made after 31st March, 2020. In the case of **Ajoy Debbarma** (*supra*), the apex court at Para-18 of the judgment made an observation which is profitably quoted hereunder:

“18. In our view, considering the fact that the very selection and appointments were found to be illegal and invalid, no other advantage can be conferred upon the candidates concerned. It must be noted that the attempt on the part of the State in offering certain alternate employment is not to degrade the teachers but some solace is being offered even in cases where the candidates do not succeed in the selections to the posts of teachers. The candidates, if they are otherwise competent and eligible, will certainly have every opportunity till 31.03.2023 to get selected for the posts of teachers in the State and by way of additional benefit those who are unsuccessful in such attempts may retain the alternate employment. In our view, it does not amount to any degradation.”

[16] The Apex Court taking note of the fact that the fresh selection exercise may entail sometime made it clear that the candidates who were one of those 10323 teachers and whose services were terminated will have opportunity till 31st March, 2023 to get selected for the post of teachers in the State if they are otherwise competent and eligible.

[17] The important rider for availing of such benefit as also observed in the case of **Sangita Reang & others** (*supra*) are twofold (i) that these candidates had continued in employment after 31st December, 2017 on adhoc

extensions till 31st March, 2020 and (ii) they had applied before the competent authority for participating in the fresh selection exercise. This Court is not required to enter into the scrutiny of claims of individual writ petitioners in these present batch of cases. The cases of individual writ petitioners would be examined by the competent authority under the Government of Tripura in the light of the principles discussed hereinabove. However, if individual writ petitioners satisfy the conditions prescribed hereinabove and also laid down in the case of **Sangita Reang & others** (*supra*), they would be entitled to the benefit of past service devised by the learned Court in the case of **Sangita Reang & others** (*supra*) depending upon which of the three categories they fall.

[18] Having held so, this Court deems it proper to direct the competent authority under the department to scrutinize the case of individual writ petitioners in the light of the principles laid down hereinabove and take a decision within a period of 3[three] months from the date of receipt of the copy of this judgment. Needless to say that the consequential benefits, if any, arising out of such decision shall flow in favour of the individual writ petitioners who satisfy the conditions prescribed hereinabove.

These batch of appeals and writ petition are disposed of in the aforesaid terms.

Pending application (s), if any, also stand disposed of.

(S.D. PURKAYASTHA), J

(APARESH KUMAR SINGH), CJ

SATABDI
DUTTA
Sujay

Digitally signed by
SATABDI DUTTA
Date: 2024.01.29
16:43:30 +05'30'