

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.258 of 2024

Sri Uttam Das Baishnab, S/o Lt. Harekrishna Baishnab, resident of South Palace Compound, Agartala, P.O.-Agartala Head Post Office, P.S.-West Agartala, West Tripura, Pin-799001.

....Petitioner(s)

Versus

- 1. The State of Tripura**, represented by the Chief Secretary in the Department of General Administration (Personnel & Training), Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O.-New Secretariat, Sub-Division-Sadar, District-West Tripura, Pin code-799010.
- 2. The Secretary**, Department of General Administration (Personnel & Training), Government of Tripura, having his office at New Secretariat Complex, Gorkhabasti, Agartala, P.O.-New Secretariat, Sub-Division-Sadar, District-West Tripura, Pin code-799010.
- 3. The Sub-Divisional Magistrate**, Sabroom, South Tripura, Government of Tripura, having his office at SDM Office Complex, Sabroom, P.O.-Sabroom, Sub-Division-Sabroom, District-South Tripura, Pin code-799145.

....Respondent(s)

For the Petitioner(s)	:	Mr. A. Pal, Advocate
For the Respondent(s)	:	Mr. M. Debbarma, Addl. GA
Date of hearing & delivery of judgment & order	:	13.09.2024
Whether fit for reporting	:	No

HON'BLE MR. JUSTICE ARINDAM LODH
Judgment & Order (Oral)

Heard Mr. A. Pal, learned counsel appearing for the petitioner.

Also heard Mr. M. Debbarma, learned Addl. GA appearing for the respondents-State.

2. By means of filing the present writ petition, the petitioner has sought for re-instatement in his service.

3. The background of the case is that the petitioner was appointed in the year 2002 as an SC category candidate in the post of Panchayat Extention Officer. During his service, on the basis of a complaint, the Sub-Divisional Magistrate(SDM) had cancelled his SC Certificate. The petitioner had challenged the said cancellation order by means of filing a writ petition

bearing no.WP(C) 1425/2019. While disposing of the said writ petition, the Court found that the petitioner was not afforded with reasonable opportunity and there was violation of principles of natural justice. Having held so, the Court had set aside the order of cancellation issued by SDM. It was further ordered that the respondents would have the liberty to make proper inquiry in accordance with law. Thereafter, the matter was again inquired into by SLSC and after consideration of evidence and materials on record, the SLSC cancelled the SC Certificate. The petitioner again challenged the order of cancellation of SC Certificate by filing a writ petition bearing no. WP(C) 26/2022 where the petitioner had challenged the order dated 30.11.2021. On 18.01.2022, this Court had passed an order that the respondents would file their reply, if any by the returnable date as there would be an initiative to hear the matter finally, as the petitioner's status certificate had been cancelled by the State Level Scrutiny Committee and till the returnable date the respondents would not take any decision affecting the service of the petitioner.

4. However, the respondents vide order dated 21.01.2022 had cancelled the appointment of the petitioner as Panchayat Extension Officer. In the said order, it was also observed that the SLSC on careful examination and conclusion held that the petitioner did not belong to Dhoba Community i.e. SC Community. Accordingly, the SC Certificate dated 31.01.1991 issued in favour of the petitioner was thereby cancelled and confiscated vide order dated 30.11.2021. However, in WP(C) 26/2022, this Court while disposing of the writ petition remanded the matter to SLSC to re-examine all the relevant documents submitted by the petitioner and set aside the impugned order dated 30.11.2021 passed by the SLSC.

5. During the submissions advanced by learned counsel appearing for the parties, it comes to fore that the proceeding is still going on before the SLSC.

6. I have noticed the order dated 18.03.2024, the date fixed for examination and the cross-examination of the Vigilance Inquiry Officer. It comes to fore that on the said date the writ petitioner had sought for an adjournment on the ground that his lawyer was out of station. It was adjourned accordingly and again fixed on 2nd May, 2024 for examination and cross-examination of Vigilance Inquiry Officer.

7. The present writ petition has been filed on the strength of the order dated 18.01.2022. The main argument advanced by learned counsel for the petitioner is that intendment of the order dated 18.01.2022 was that the service of the petitioner ought not to have been disturbed. On the basis of the said order dated 18.01.2022 passed by this Court, the petitioner in the present writ petition has sought for re-instatement of his service in the post which was held by him before his termination/dismissal from the service.

8. Another fold of submission is that, as on today, there is no order of cancellation of SC Certification of the petitioner since it was set aside by this Court remanding the matter to the SLSC.

9. In favour of his first submission, Mr. Pal, learned counsel has relied upon a decision of Orissa High Court in ***Amar Kumar Behera vs. State of Odisha & Ors*** in ***I.A. No.150 of 2021*** arising out of ***WPC(OAC) No.1493 of 2018*** wherein it was held that “*it is also well settled that when the Court intends a particular state of affairs to exist while it is in seisin of a lis, that state of affairs is not only required to be maintained but is presumed to exist till the Court orders otherwise.*”

10. I have considered this principle laid down by the Orissa High Court.

11. In the context of the case, in my opinion, this principle has no application to decide the disputes raised in this writ petition. What have been transpired in the case at hand, is that the petitioner did not file any contempt application or implementation/enforcement of the order dated 18.01.2022. In the considered view of this Court, the petitioner could easily challenge the order dated 21.01.2022 if he thought that the said order was passed in violation of the interim order dated 18.01.2022 directing the respondents not to disturb his service till the returnable date. At present, the matter is *in seisin* before the SLSC. The petitioner has challenged the order dated 21.01.2022 issued by the Director of Panchayat, Govt. of Tripura cancelling his caste status certificate following the order of cancellation and confiscation of the said certificated dated 31.12.2021 only in the present writ petition when proceeding before SLSC is *in seisin*. In my opinion, at this stage, the petitioner is not entitled to claim the advantage of the interim order dated 18.01.2022.

12. In view of this, I do not find any cogent reason to direct the respondents to re-instate the petitioner in the post which he held before the order of his termination vide order dated 21.01.2022. However, I direct the SLSC to complete the proceeding within a period of 2(two) months from today. The petitioner shall co-operate with the proceeding now pending before the SLSC. It is expected that the petitioner will not seek any adjournment within this period.

With the aforesaid observations and directions, the instant writ petition stands disposed.

JUDGE

Snigdha