

**HIGH COURT OF TRIPURA
AGARTALA**

WA 86 of 2023

Sri Sajal Deb,
Son of Late Kshitendra Deb, resident of Laxmi Narayanpur, PO Gourangatilla,
PS Kalyanpur, District Khowai Tripura, PIN 799207.

.....Appellant(s)

Versus

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,
Department of Elementary Education, Government of Tripura, having his office
at Shiksha Bhawan, Office Lane, PO Agartala, PS West Agartala, District West
Tripura, PIN 799001.
5. The State Project Director,
Samagra Shiksha Abhiyan (erstwhile Sarva Shiksha Abhiyan), having his
office at Shiksha Bhawan, Office Lane, PO Agartala, PS West Agartala, District
West Tripura, PIN 799001.

.....Respondent(s)

WA 89 of 2023

Sri Bidhu Bhushan Choudhury,
Son of Sri Haridhan Choudhury, resident of Gamaibari, P.O. Brahmacharra P.S.
Teliamura District Khowai Tripura, PIN 799205.

.....Appellant(s)

Versus

1. The State of Tripura,
represented by the Commissioner & Secretary, Education
Department, Government of Tripura, having his office at Secretariat Building, P.O
Kunjaban, P.S New Capital Complex, District West Tripura, Pin 799006.

2. The Commissioner & Secretary,
Education Department, Government of Tripura, having his office at Secretariat Building, P.O Kunjaban, P.S New Capital Complex, District West Tripura, Pin 799006.
3. The Commissioner & Secretary,
Finance Department, Government of Tripura, having his office at Secretariat Building, P.O Kunjaban, P.S New Capital Complex, District West Tripura, Pin 799006.
4. The Director,
Department of Elementary Education, Government of Tripura, having his office at Shiksha Bhawan, Office Lane, P.O Agartala, P.S West Agartala, District West Tripura, Pin 799001.
5. The State Project Director,
Samagra Shiksha Abhiyan (erstwhile Sarva Shiksha Abhiyan), having his office at Shiksha Bhawan, Office Lane, P.O Agartala, P.S West Agartala, District West Tripura, Pin 799001.

.....Respondent(s)

WA 91 of 2023

Sri Pranab Bhowmik,
Son of Sri Mukunda Bhowmik, resident of South Jolaibari, P.O. Jolaibari P.S.
Baikhora District South Tripura, PIN 799141.

.....Appellant(s)

Versus

1. The State of Tripura,
represented by the Commissioner & Secretary, Education Department,
Government of Tripura, having his office at Secretariat Building, P.O Kunjaban,
P.S New Capital Complex, District West Tripura, Pin 799006.
2. The Commissioner & Secretary,
Education Department, Government of Tripura, having his office at Secretariat Building, P.O Kunjaban, P.S New Capital Complex, District West Tripura, Pin 799006.
3. The Commissioner & Secretary,
Finance Department, Government of Tripura, having his office at Secretariat Building, P.O Kunjaban, P.S New Capital Complex, District West Tripura, Pin 799006.
4. The Director,
Department of Elementary Education, Government of Tripura, having his office at Shiksha Bhawan, Office Lane, P.O Agartala, P.S West Agartala, District West Tripura, Pin 799001.

5. The State Project Director,
Samagra Shiksha Abhiyan (erstwhile Sarva Shiksha Abhiyan), having his office at
Shiksha Bhawan, Office Lane, P.O Agartala, P.S West Agartala, District West
Tripura, Pin 799001.

.....Respondent(s)

For Appellant(s) : Mr. Somik Deb, Senior Advocate.
Mr. P. Chakraborty, Advocate.

For Respondent(s) : Mr. S.S. Dey, Advocate General.
Ms. A. Chakraborty, Advocate.

WA No.72 of 2023

1. Sri Firuj Kumar Debbarma,
S/O Sri Amulya Debbarma, Vill Nibaran Barai, P.O Bachaibari, Sub Division
Khowai, Dist. Khowai Tripura, Pin 799201.
2. Sri Manoj Debbarma,
S/O Sri Rabindra Debbarma, Village Madaram Bari, P.O Bachaibari, P.S
Champahour, Dist. Khowai Tripura, Pin 799201.
3. Smt Gita Rani Debbarma,
W/O Sri Dharendra Debbarma, Village Tobla Bari, P.O. Sonatala, Dist. Khowai
Tripura, Pin 799201.
4. Sri Binod Debbarma,
S/O Sri Anil Debbarma, Village Behala Bari, Dist. Khowai Tripura, Pin 799201.
5. Sri Parendra Debbarma,
S/O Sri Jogendra Debbarma, Vill Mukta Chandra Bari, P.O West Laxmi Chara,
Dist. Khowai Tripura, Pin 799201
6. Sri Govinda Das,
S/o Sri Surya Kanta Das, Village Paschim Karangi Chara, P.O Ashram Bari, Dist.
Khowai Tripura, Pin 799201.
7. Sri Saral Kanti Debbarma,
S/o Sri Sachindra Debbarma, Village Kachubari, P.O Asharambari, Khowai. Dist.
Khowai Tripura, Pin 799201.
8. Sri Tapan Kumar Das,
S/O Sri Gopal CH. Das, Vill + P.O Banbazar, Sub Division Khowai, District
Khowai, Pin 799201.
9. Smt. Rupa Chakraborty,
D/O Lt. Harinath Chakraborty, Village Mayachari, P.O Ramdurlabhpur; Dist
Dhalai Tripura, Pin 799285.
10. Sri Tanoy Kumar Bhowmik,
S/O Lt. Gopal Bhowmik, Vill Mayachari, P.O. Ramdurlabhpur, Pin 799285.
11. Sri Bharatraj Marar,
S/O Lt. Saharu Marar, Vill + P.O Mayachara, Kamalpur, Dist Dhalai Tripura, Pin
799285.
12. Sri Satya Ranjan Pal,
S/O Sri Satish Chandra Pal, Vill + P.O Kamalpur, Dist Dhalai Tripura, Pin
799287.

13. Smt Roheda Begam,
W/O Sri Majnu Mia, Vill+P.O Kamalpur, Dist Dhalai Tripura, Pin 799287.
14. Sri Govinda Tanti,
S/O Sri Nanda Tanti, Village Bagaichari, P.O Kamalpur, Dist Dhalai Tripura, Pin 799285.
15. Sri Hanu Debbarma,
S/O Sri Raghunath Debbarma, Vill + P.O Bagaichari, Kamalpur, Dist Dhalai Tripura, Pin 799285.
16. Smt Anarkali Debbarma,
D/O Lt Narendra Debbarma, Vill Mangal Singh Para P.O Choto Surma, Kamalpur, Dist Dhalai, Pin 799285.
17. Smt. Bina Das,
D/O Lt Laru Das, Vill North Singinala, P.O Salema, Dist Dhalai Tripura, Pin 799278.
18. Sri Digendra Das,
S/O Lt. Gourchand Das, Vill Debbari, P.O Salema, Dist Dhalai Tripura, Pin 799278.
19. Sri Ashok Kumar Goala,
S/O Lt. Gourchand Das, Vill Salema, P.O. Salema, Dist. Dhalai Tripura, Pin 799278.
20. Sri Raman Kanta Debnath,
S/O Lt. Uday Debnath, Vill Barasurma, P.O. Singibil, Kamalpur, Dist Dhalai Tripura, Pin 799144.
21. Sri Santosh Chandra Das,
S/O Lt. Satish Chandra Das, Vill Chulubari, P.O. Bamanchara, Dist. Dhalai Tripura, Pin 799286.
22. Sri Sunil Debbarma,
S/O Lt. Rabindra Debbarma, Vill Srirampur, P.O Kamalpur, Dist Dhalai Tripura, Pin 799287.
23. Sri Dulali Deb,
S/O Sri Anil Deb, Vill Jagannathpur, P.O. L.C. Para, P.S. Ambassa, Dist. Dhalai Tripura, Pin 799289.

.....Appellant(s)

Versus

1. The State of Tripura,
Represented by Commissioner & Secretary, Department of Education, Govt. of Tripura, Having his office at Civil Secretariat Building, New Capital Complex, P.O. Kunjaban, Agartala, Dist West Tripura, Pin 799006.
2. The Commissioner & Secretary,
Represented by Commissioner & Secretary, Department of Education, Govt. of Tripura, Having his office at Civil Secretariat Building, P.O. Kunjaban, Agartala, Dist. West Tripura, Pin 799006.
3. The Commissioner & Secretary,

Finance Department, Govt of Tripura, Having his office of Civil Secretariat Building, P.O Kunjaban, Agartala, Dist West Tripura, PIN 799006.

4. The Director,
Department of Elementary Education, Government of Tripura, Having his office at Shiksha Bhavan, Office lane, P.O Agartala, Dist West Tripura, PIN 799001.
5. The State Project Director,
Samagra Shiksha Abhiyan (Erstwhile Sarba Shiksha Abhiyan) Having his office at Shiksha Bhavan Office lane, P.O Agartala, Dist West Tripura PIN 799001.
.....Respondent(s)

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1. Sri Tapas Debbarma,
S/O Sri Semanta Debbarma, Vill Bhandari Bari, P.O. Champahour, Sub Division Khowai, Dist. Khowai Tripura, Pin 799201.
2. Sri Binod Debbarma,
S/O Ramcharan Debbarma, Vill+P.O Behala Bari, Dist. Khowai Tripura, Pin 799201.
3. Sri Bikash Debbarma,
S/O Sri Chandra Mohan Debbarma, Village 2 No. Barai Bari, P.O Champaknagar, Dist. Khowai Tripura, Pin 799201.
4. Sri Shakti Debbarma,
S/O Sri Govinda Debbarma, Vill Anath Chowmuhan Para, Dist. Khowai Tripura, Pin 799201.
5. Sri Sankar Chakraborty,
S/O Sri Nitya Gopal Chakraborty, Village Laxminarayanpur, P.O Gouranga Tilla, Dist. Khowai Tripura, Pin 799201.
6. Sri Nirmal Kanti Biswas,
S/O Lt. Malindra Chandra Biswas, Vill Dwarikapur, P.O. Baganbazar Kalyanpur, Sub Division Teliamura, Dist Khowai Tripura, Pin 799203.
7. Smt. Sheli Majumdar,
W/O Lt. Ranjit Kumar Majumder, Village Dwarikapur, P.O. Baganbazar, Kalyanpur, Sub Division Teliamura, Dist Khowai Tripura, Pin 799203.
8. Smt. Shila Rani Deb (Paul),
W/O Sri Pijush Paul, Village Khas Kalyanpur, P.O Ramdayal Bari, Kalyanpur, Sub Division Khowai, Pin 799203.
9. Sri Swapan Kumar Deb,
S/O Lt. Prabodh Chandra Deb, Village Dwarikapur, P.O Baganbazar, Kalyanpur, Sub Division Teliamura, Dist Khowai, Pin 799201.
10. Smt. Shipra Dhar (Das),
W/O Lt. Dharendra Chandra Dhar, R/O Noagaon, P.O Kamalpur, Dist Dhalai, Pin 799285.
11. Smt. Sankari Rani Saha,
W/O Lt. Chuni Lal Saha, Village Harerkhola, P.O Kamalpur, Dist Dhalai, Pin 799285.
12. Smt. Kanika Das,
D/O Sri Parimal Das, Village Kamalpur, P.O Kamalpur, Dist Dhalai Pin 799285.

13. Smt. Shefali Deb,
D/O Sri Anit Deb, Vill Kamalpur, P.O Kamalpur, Dist Dhalai, Pin 799285.
14. Sri Prem Kumar Kurmi,
S/O Lt Laxmi Prasad Kurmi Vill Sonarai, P.O Maracherra, Kamalpur, Dist Dhalai, Pin 799285.
15. Smt. Krishna Ahir,
W/O Sri Basanta Goala Maracherra, Kamalpur, Dist Dhalai, Pin 799285.
16. Sri Udit Ahir,
S/O Sri Ramsundar Ahir, Village Kuchainala, P.O Maracherra, Kamalpur, Dist Dhalai Pin 799285.
17. Smt. Dipa Chakraborty,
W/O Ramapada Bhattacharjee, Village Harerkhola, P.O Kamalpur, Dist Dhalai, Pin 799285.
18. Sri Sushil Sutradhar,
S/O Lt. Suresh Sutradhar, Village West Halahali, P.O. Halahali, Kamalpur, Dist Dhalai, Pin 799285.
19. Sri Shefal Chandra Banik,
S/O Lt Satish Chandra Banik, Village+P.O Kamalpur, Dist Dhalai, Pin 799285.
20. Sri Sukomal De,
S/o Lt. Guru Sadai D.y, R.O + P.O Kamalpur, Dist Dhalai, Pin 799287.
21. Sri Hemendra Chandra Das,
S/O Lt Nepal Chandra Das, Village Panchasi, P.O Singibil Kamalpur, District Dhalai, Pin 799285.
22. Sri Tapas Sil Sarma,
S/O Lt Monoranjana Sil Sarma, Vill Halbuli, P.O Singibil Kamalpur, Dist Dhalai, Pin 799285.
23. Smt. Banhisikha Chakraborty,
W/O Sri Narayan Chandra Datta, Village Halhuli, P.O Singibil Kamalpur, Dist Dhalai, Pin 799285.
24. Sri Mahabir Kairi,
S/O Hariprasad Kairi, Village Sonarai, P.O Maracherra, Kamalpur, Dist Dhalai Pin 799285.
25. Sri Apu Ranjan Gope,
S/O Sri Akrumani Gope, Village Mayachari, P.O Ramdurlabhpur, P.O Kamalpur, Dist Dhalai Pin 799285.
26. Smt. Shiuli Rani Dey,
D/O Lt Nirode Baran Dey, Village + P.O Kamalpur, Dist Dhalai, Pin 799287.
27. Sri Arun Kumar Sinha,
S/O Sri Sonaram Sinha, Village Panchasi, P.O Singibil, Kamalpur, Dist Dhalai Pin 799285.
28. Sri Biplab Sutradhar,
S/O Sri Digesh Sutradhar, Village Harerkhola, P.O Kamalpur, Dist Dhalai, Pin 799285.
29. Sri Ganesh Debnath,
S/O Jogendra Debnath, Village + P.O Salema, Sub Division Kamalpur, Dist Dhalai, Pin 799278.

30. Sri Dilip Debnath,
S/O Lt Naresh Chandra Debnath, Village Salema, Sub Division Kamalpur, Dist Dhalai, Pin 799278.
31. Smt. Swapna Kalai,
D/O Lt. Ashadhan Kalai, Village Kulai Ganta Chara, P.O Kulai Bazar, Sub Division Ambasa, Dist Dhalai, Pin 799204.
32. Sri Samuel Debbarma,
S/O Sri Sukhi Chandra Debbarma, Village + P.O. Nalichara, Sub Division Ambasa, Dist Dhalai, Pin 799204.
33. Sri Nurul Haque,
S/O Lt Rasid Uddin, Village Malaya, P.O. Kamalpur, Dist Dhalai Pin 799285.
34. Sri Chitra Kar Chowdhury,
S/O Kamal Kanti Chowdhury, Village + P.O Kamalpur, Dist Dhalai, Pin 799285.
35. Sri Dhanuram Debbarma,
S/O Sri Bhanu Kr. Debbarma, Village Dhanchara, P.O. Kamalachara, Dist Dhalai, Pin 799289.
36. Sri Ashok Das,
S/O Lt.Naresh Ch. Das, Village Kartik gram, P.O. Marachara, Dist Dhalai, Pin 799285.
37. Sri Pradip Kr Ahir,
S/O Sri Balaram Ahir, Village Chotosurma, P.O Marachara, Dist Dhalai, Pin 799285.
38. Md. Ibrahim Miah,
S/O Late Sikhanar Miah, Village Ganga Nagar, P.O. Baligaon, District Dhalai, Pin 799285.

.....Appellant(s)

Versus

1. The State of Tripura,
Represented by Commissioner & Secretary, Department of Education, Govt. Of Tripura, Having his office at Secretary Building, P.O Kunjaban, Agartala, Dist West Tripura, Pin 799006.
2. The Commissioner & Secretary,
Department of Education, Govt. Of Tripura, Having his office at Secretary Building, P.O. Kunjaban, Agartala, District West Tripura, Pin 799006.
3. The Commissioner & Secretary,
Finance Department, Govt. Of Tripura, Having his office at Secretary Building, P.O Kunjaban, Agartala, District West Tripura, PIN 799006.
4. The Director,
Department of Elementary Education, Government of Tripura, Having his office at Shiksha Bhavan, Dist West Tripura, Pin 799001.
5. The State Project Director,

Samagra Shiksha Abhiyan (Erstwhile Sarba Shiksha Abhiyan) Having his office at Shiksha Bhavan Office Lane, P.O Agartala, Dist West Tripura, Pin 799001.

.....Respondent(s)

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1. Sri Bhajan Sen,
S/O Late Hari Narayan Sen, R/O Mohanpur Municipal Ward No.5, P.O Mohanpur, PS Sidhai, 799211(Upper Primary Teacher, SSA).
2. Sri Sailen Debarma,
S/O Late Rambarna Debarma, R/O Purba Ghilatali, Kalayanpur, Dist Khowai Tripura (Primary Teacher, SSA).

.....Appellant(s)

Versus

1. The State of Tripura,
represented by the Commissioner & Secretary, Education Department, Government of Tripura, having his office at Secretariat Building, P.O Kunjaban, P.S New Capital Complex, District West Tripura, Pin 799006.
2. The Commissioner & Secretary,
Education Department, Government of Tripura, having his office at Secretariat Building, P.O Kunjaban, P.S New Capital Complex, District West Tripura, Pin 799006.
3. The Commissioner & Secretary,
Finance Department, Government of Tripura, having his office at Secretariat Building, P.O Kunjaban, P.S New Capital Complex, District West Tripura, Pin 799006.
4. The Director,
Department of Elementary Education, Government of Tripura, having his office at Shiksha Bhawan, Office Lane, P.O Agartala, P.S West Agartala, District West Tripura, Pin 799001.
5. The State Project Director,
Samagra Shiksha Abhiyan (erstwhile Sarva Shiksha Abhiyan), having his office at Shiksha Bhawan, Office Lane, P.O Agartala, P.S West Agartala, District West Tripura, Pin 799001.

.....Respondent(s)

For Appellant(s)	:	Ms. Kiran Suri, Senior Advocate. Mr. T.D. Majumder, Senior Advocate. Mr. D. Sarkar, Advocate. Mr. Tapash Halam, Advocate. Ms. Rimi Debbarma, Advocate. Mr. D. Kalai, Advocate.
For Respondent(s)	:	Mr. S.S. Dey, Advocate General. Ms. A. Chakraborty, Advocate.

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1. Ardhendu Sekhar Paul,
S/O Lt. Sukhamoy Ch. Paul, Vill +P.O Manikbhandar, Kamalpur, Dist Dhalai, Tripura.
2. Anil Kumar Tarat,
S/O Lt. Akhil Ranjan Tarat, Vill Mayachari, P.O Ramdurlabpur, Kamalpur, Dist Dhalai, Tripura.
3. Md. Nazim Uddin,
S/O Lt. Mafiz Uddin, Vill South Manikbhandar, P.O Kamalpur Airport, Dist Dhalai, Tripura.
4. Hemanta Singha,
S/O Dhan Singha, Vill+ P.O Kuchainala, Kamalpur, Dist Dhalai, Tripura.
5. Mukul Debbarma,
S/O Manichandra Ch. Debbarma, Vill+P.O Marachara, Kamalpur, Dist Dhalai, Tripura.
6. Santosh Chandra Das,
S/O Lt. Satish Das, Vill+ P.O Avanga, P.S Salema, Kamalpur, Dist Dhalai, Tripura.
7. Ranadhir Paul,
S/O Lt. Naresh Paul, Vill + P.O Avanga, P.S Salema, Kamalpur, Dist Dhalai, Tripura.
8. Ajoy Datta,
S/O Amulya Bhushan Datta, Vill South Manikbhandar, P.O Kamalpur, Dist Dhalai, Tripura.
9. Ajit Chandra Deb,
S/O Lt. Manindra Ch. Deb, Vill Kandigram, P.O Manikbhandar, Kamalpur, Dist Dhalai, Tripura.
10. Binoy Bhushan Paul,
S/O Lt. Nripendra Ch. Paul, Vill Kalachari No- 2, P.O Manikbhandar Kamalpur, Dist Dhalai, Tripura.
11. Nitya Ranjan Paul,
S/O Lt. Naresh Ch. Paul, Vill Kalachari No-2, P.O Manikbhandar, Kamalpur, Dist Dhalai, Tripura.
12. Bikash Malakar,
S/O Bharat Ch. Malakar, Vill North Halhali, P.O Halhali, Kamalpur, Dist Dhalai, Tripura.
13. Mridul Chakraborty,
S/O Lt. Makhan Chakraborty, Vill Darang, P.O Nagbangshi, Kamalpur, Dist Dhalai, Tripura.
14. Rupnarayan Ahir,

- S/O Mahesh Ahir, Vill Chhotasurma, P.O Marachara, Kamalpur, Dist Dhalai, Tripura.
15. Kesab Prasad Gowala,
S/O Laxmi Prasad Gowala, Vill Chhotasurama, P.O Marachara, Kamalpur, Dist Dhalai, Tripura.
16. Subash Chandra Deb,
S/O Kanailal Deb, Vill+P.O Marachara, Kamalpur, Dist Dhalai, Tripura.
17. Phani Chandra Das,
S/O Dinabandu Das, Vill+P.O Kuchainala, Kamalpur, Dist Dhalai, Tripura.
18. Pradip Kumar Sinha,
S/O Barendra Kr. Sinha, Vill+P.O Manikbhandar, Kamalpur, Dist Dhalai, Tripura.
19. Atindra Chandra Dhar,
S/O Jatindra Ch. Dhar, Vill+ P.O Manikbhandar, Kamalpur, Dist Dhalai, Tripura.
20. Dilip Kumar Das,
S/O Lt. Benode Bihari, Vill Darang, P.O Manikbhandar, Kamalpur, Dist Dhalai, Tripura.
21. Sujit Deb,
S/O Lt. Sudhir Ch. Deb, Vill+P.O Baligaon, Kamalpur, Dist Dhalai, Tripura.
22. Amrit Paul, S/O Rakhal Ch. Paul, Vill+ P.O Manikbhandar, Kamalpur, Dist Dhalai, Tripura.
23. Dinamani Sinha,
S/O Birendra Sinha, Vill Panchabasi, P.O Singibill, Kamalpur, Dist Dhalai, Tripura.
24. Radheshyam Gope,
S/O Nikunja Gope, Vill Mayachari, P.O Ramdurlabpur, Kamalpur, Dist Dhalai, Tripura.
25. Ayub Khan,
S/O Najar Khan, Vill Methirmia, P.O Manikbhandar, Dist Dhalai, Tripura.
26. Bimal Shil,
S/O Lt. Kamini Shil, Vill+P.O Avanga, P.S Salema, Kamalpur, Tripura.
27. Bimal Ch. Deb,
S/O Lt. Naresh Ch. Deb, Vill Kandigram, P.O Manikbhandar, Kamalpur, Dist Dhalai, Tripura.
28. Bikash Ch. Gope,
S/O Lt. Krishna Mohan Gope, Vill Kalachari No.2, P.O Manikbhandar, Kamalpur, Dist Dhalai, Tripura.
29. Pinaki Chakraborty,
S/O Indu Bhushan Chakraborty, Vill Kamalpur N.P Ward No-2, P.O Kamalpur, Dist Dhalai, Tripura.
30. Krishnakanta Debnath,
S/O Ashutosh Debnath, Vill+ P.O Manikbhandar, Kamalpur, Dist Dhalai, Tripura.

31. Mrinal Kanti De,
S/O Maniklal De, Vill+ P.O Duraishibbari, Kamalpur, Dist Dhalai, Tripura.
32. Mankumari Sinha,
W/O Pranay Sinha, Vill+ P.O Mechuria, Kamalpur, Dist Dhalai, Tripura.
33. Sukla Das,
W/O Bikash Malakar, Vill+ P.O- Kuchainala, Kamalpur, Dist- Dhalai, Tripura.
34. Sujit Das,
S/O Harendra Chandra , Vill 30 Card, P.O Laxmipur, P.S Gandachara, Dist Dhalai, Tripura.
35. Rita Saha,
D/O Narayan Chandra Saha, Vill Haripur, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
36. Sankari Saha,
D/O Chandan Kumar Saha, Vill Durgapur, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
37. Swapan Saha,
S/O Lt. Pramesh Saha, Vill Narayanpur, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
38. Samaresh Das,
S/O Lt. Biswamber Das, Vill 60 Card, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
39. Samar Sarkar,
S/O Lt. Jyotilal Sarkar, Vill Durgapur, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
40. Sarmista Saha,
D/O Dinesh Chandra Saha, Vill Durgapur, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
41. Subir Chiran,
S/O Bial Chiran, Vill Durgapur, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
42. Parimal Biswas,
S/O Behari Biswas, Vill Narayanpur, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
43. Niranjana Debnath,
S/O Kulendra Debnath, Vill Debnath para, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
44. Sukantala Biswas,
D/O Chintaharan Biswas, Vill Jamati para, P.O Ranirpukur, P.S Rishyabari, Dist Dhalai, Tripura.
45. Swapan Chandra Das,
S/O Barendra Kumar Das, Vill Gandachara, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.

46. Tapan Debnath,
S/O Mukunda Debnath, Vill Narayanpur, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
47. Ranjan Debnath,
S/O Radhesh Kanta Debnath, Vill Narayanpur, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
48. Jaya Mallik,
D/O Lt. Sukumar Chandra Mallik, Vill Krishnapur, P.O Laxmipur, P.S Gandachara, Dist Dhalai, Tripura.
49. Swapan Chowdhury,
S/O Manindra Chandra Chowdhury, Vill Nikil sarkar para, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
50. Pradip Chakma,
S/O Laxmidhan Chakma, Vill Narayanpur, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
51. Sabita Biswas, S/O Lt. Sudhir Biswas, Vill Haripur, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
52. Nabin Tripura,
S/O Lt. Gajendra Tripura, Vill Raishya bari, P.O Raima, P.S Raishyabari, Dist Dhalai, Tripura.
53. Uttam Debnath,
S/O Judhisthir Chandra Debnath, Vill 60 Card, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
54. Sukhamoy Sarkar,
S/O Amalya Sarkar, Vill 60 Card, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
55. Tandra Chanda,
D/O Lt. Arun Chanda, Vill 60 Card, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
56. Bidhu Bhushan Bowmik,
S/O Lt. Nepal Chandra Bowmik, Vill Krishnapur, P.O Laxmipur, P.S Gandachara, Dist Dhalai, Tripura.
57. Swapan Sarkar,
S/O Hari mohan Sarkar, Vill Sarma, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
58. Ratan Chowdhury,
S/O Dharendra Chowdhury, Vill Krishnapur, P.O Laxmipur, P.S Gandachara, Dist Dhalai, Tripura.
59. Goutam Saha,
S/O Nihar Rajan Saha, Vill Durgapur, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.

60. Kusum Das,
W/O Agni Kumar Das, Vill Durgapur, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
61. Khama Majumdar,
D/O Lt. Gopal Majumdar, Vill Durgapur, P.O Sarma, P.S Gandachara, Dist Dhalai.
62. Binoy Kishore Chakma,
S/O Laxmi Chandra Chakma, Vill Laxmipur, P.O Laxmipur, P.S Gandachara, Dist Dhalai, Tripura.
63. Suparna Chowdhury,
D/O Chiranjib Chowdhury, Vill Sarma, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
64. Bapi Rani Saha,
D/O Uttam Kumar Saha, Vill Durgapur, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
65. Bharateswar Chakma,
S/O Madan Mohan Chakma, Vill Thakurachara, P.O Ranipukur, P.S Raishyabari, Dist Dhalai, Tripura.
66. Ratan Saha,
S/O Mana Ranjan Saha, Vill Raishya bari, P.O Raishyabari P.S Raishyabari, Dist Dhalai, Tripura.
67. Mitu Debnath,
S/O Lt. Mukunda Debnath, Vill Sarma, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
68. Manika Roy,
D/O Manoranjan Roy, Vill 60 Card, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
69. Bijoy Debnath,
S/O Lt. Basanta Debnath, Vill Narayanpur, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
70. Anajit Debbarma,
S/O Aswini Kr. Debbarma, Vill Bhowalia Basti, P.S + P.O Ambassa, Dist Dhalai, Tripura.
71. Rabindra Debbarma,
S/O Lt. Subia Debbarma, Vill Ura Bari, Tarapur, Purba Noagaon, West Tripura, Tripura.
72. Sudhir Debbarma,
S/O Arun Debbarma, Vill Radhanagar, Tamakari, West Tripura, Tripura.
73. Shankar Debbarma,
S/O Sambhu Debbarma, Vill Khamper Para, P.O Bodhjung Nagar, Dist West Tripura, Tripura.

74. Rajesh Debbarma,
S/O Lt. Anukul Debbarma, Vill Bhagan Thakur Para, P.O Bodhjungnagar,
Gamcha Kobra A.D.C Village, Kamalghat, West Tripura, Tripura.
75. Rabi Charan Debbarma,
S/O Lt. Narendra Debbarma, Vill Prakash Chandra Para, I.C.D.S CE Tamakari,
Falguna Chowdhury Para, West Tripura, Tripura.
76. Monobashi Debbarma,
S/O Lt. Ram Charan Debbarma, Vill Habilder Para, P.O Lefunga, Tripura.
77. Samir Debbarma,
S/O Surjya Kumar Debbarma, Vill Duranta Para, P.O Belbari, P.S Jirania, Dist
West Tripura, Tripura.
78. Anita Debbarma,
W/O Subal Debbarma, Vill Shib Durga Chowdhury Para, P.O Bodhjung Nagar,
Kamalghat, West Tripura, Tripura.
79. Lebi Debbarma,
W/O Jyoti Lal Debbarma, Vill Joyram Modi Para, P.O Kamalghat Hagaban
Choudhury Para, West Tripura, Tripura.
80. Susanta Debbarma,
S/O Sukhomoy Debbarma, Vill Balaram Chowdhury Para Near J.B School, P.O
Lembucharra, West Tripura, Tripura.
81. Sanjit Debbarma,
S/O Nitya Kumar Debbarma, Vill Dugrai Para, Chandpur, Barkathal, West
Tripura, Tripura.
82. Amrit Debbarma,
S/O Birmani Debbarma, R/O Barkathal, P.O Barkathal, P.S Barkathal, Dist West
Tripura, Tripura.
83. Mungkurui Debbarma,
S/O Prakash Debbarma, Vill Ram Hari Sadar Para, P.O Purba Tamakari, West
Tripura, Tripura.
84. Sajal Debbarma,
S/O Niran Debbarma, Vill Rabi Ch. Chowdhury Para, Chandpur, Barkathal, West
Tripura, P.O Barkathal, Tripura.
85. Khirod Debbarma,
S/O Budhurai Debbarma, Vill +P.O Chachu, P.S Sidhai, Tripura.
86. Hemlata Debbarma,
D/O Nikunja Debbarma, Vill+ P.O Chachu, P.S Sidhai, Tripura.
87. Sima Debbarma,
D/O Lt. Balaram Debbarma, Vill Gachia Para, P.O Mandai, P.S Mandai, Dist
West Tripura, Tripura.
88. Biswa Kumar Debbarma,
S/O Lt. Kartik Debbarma, Vill Lefunga, P.S Lefunga, P.O Lefunga, Tripura.

89. Tapan Debbarma,
S/O Janesh Debbarma, Vill Ramkrishna Para, P.O Bodhjung Nagar, P.S Lefunga,
Dist West Tripura, Tripura.
90. Manoj Kumar Debbarma,
S/O Budhurai Debbarma, Vill Tuikarma, P.O North Gakul Nagar, P.S Mungia
Kami, Dist Khowai, Tripura.
91. Rathindra Debbarma,
S/O Lt. Maharai Debbarma, Vill Tuikarma, P.O North Gakul Nagar, P.S
Teliamura, Dist- Khowai, Tripura.
92. Rajesh Debbarma,
S/O Lt. Uttam Debbarma, Vill Laxmi Narayan Pur, P.O Gouranga Tilla, P.S
Kalyanpur, Dist Khowai, Tripura.
93. Parimal Roy Choudhury,
S/O Lt. Pramatha Roy Choudhury, Vill+P.O Asharabari, P.S Champahour, Dist
Khowai, Tripura.
94. Kiran Sankar Datta,
S/O Lt. Paresh Chandra Datta, Vill Lalcherra, P.O Khowai, Dist Khowai, Tripura.
95. Sarajit Debbarma,
S/O Lt Surendra Debbarma, Vill Paschim Bachai Bari, P.O Bachaibari, Dist
Khowai, Tripura.
96. Nirmal Debbarma,
S/O Rampada Debbarma, Vill Biswamani Akhra Bari, P.O East Bachaibari, Dist
Khowai, Tripura.
97. Tapan Debbarma,
S/O Sachindra Debbarma, Vill Jiten Akhrabari. P.O- East Bachaibari, P.S-
Champahour, Dist Khowai, Tripura.
98. Pranab Roy Chowdhury,
S/O- Lt. Pramatha Roy Chowdhury, Vill+P.O Asharabari, P.S Champahour, Dist
Khowai, Tripura.
99. Sentu Das,
S/O Lt. Binod Behari Das, Vill+P.O Asharabari, P.S Champahour, Dist Khowai,
Tripura.
100. Sanjoy Kumar Chasha,
S/O Suresh Chandra Chasha, Vill+P.O Banbazar, P.S Champahour, Dist Khowai,
Tripura.
101. Runu Chakraborty,
C/O Lt. Rasaraj Chakraborty, Vill- Ramchandraghat, P.O Ramchandraghat, Dist
Khowai, Tripura.
102. Pabitra Das,
S/O Darpanath Das, Vill Gukul Nagar Micchuriya, P.O Micchuriya, Dist Dhalai,
Tripura.

103. Pranati Debnath,
W/O Kiran Kr. Nath, R/O South Manik Bhandar, P.O Kamlapur Airport, P.S Kamlapur, Dist Dhalai Tripura, Tripura.
104. Md. Malik Mia,
S/O Md. Abdul Mia, Vill South Methirmia I.C.D.S Centre, Kuchianala, Dist Dhalai, Tripura.
105. Abhimanya Debbarma,
S/O Lt. Rajan Debbarma, Vill Chulubari, P.O Bamanchara, Dist Dhalai, Tripura.
106. Sabi Kumar Debbarma,
S/O Bidya Mani Debbarma, Vill Dhanchandra Para, Dist Dhalai, Tripura.
107. Nripendra Sutradhar,
S/O Hemendra Sutradhar, R/O Chottasurma, P.O Marachara, P.S Kamalpur, Dist Dhalai, Tripura.
108. Prabir Debbarma,
S/O Chandra Bahadur Debbarma, Vill Biswa Rani Debbarma Para I.C.D.S Pascim Duluchhara A.D.C Village, Dist Dhalai, Tripura.
109. Subodh Ch. Das,
S/O Lt. Prafulla Ch. Das, Vill Darang, Kuchianala, Dist Dhalai, Tripura.
110. Sumanta Gour,
S/O Gouranga Gour, Vill Baralutma, P.O Baralutma, P.S Kamalpur, Dist Dhalai, Tripura.
111. Narayan Sinha,
S/O Manik Khamba Sinha, Vill Baralutma, Dist Dhalai, Tripura.
112. Sibani Roy (Deb),
W/O Bachu Deb, Vill+ P.O Avanga, P.S Salema, Dist Dhalai, Tripura.
113. Mamata Paul,
W/O Haradhan Paul, Vill+ P.O Avanga, P.S Salema, Dist Dhalai, Tripura.
114. Subhasini Sinha,
W/O Sukha Rn. Sinha, Vill & P.O Avanga, Dist Dhalai, Tripura.
115. Binata Pal,
W/O Sukanta Pal, Vill & P.O Avanga, P.S Salema, Dist Dhalai, Tripura.
116. Sudip Deb,
S/O Lt. Nagendra Deb, Vill & P.O Malakar Para, Avanga, Dist Dhalai, Tripura.
117. Arun Kumar Debbarma,
S/O Lt. Bhim Chandra Debbarma, Vill Duraishyamrai, Duraichara, Dist Dhalai, Tripura.
118. Papri Marak,
D/O Lt. Anil Marak, Vill South Kachuchara, Dist Dhalai, Tripura.
119. Rubi Deb (Dutta),
W/O Satya Brata Dutta, Vill Manikbhandar, P.O Manikbhandar, P.S Kamalpur, Dist Dhalai, Tripura.

120. Sricharan Debnath,
S/O Lt. Kali Charan Debnath, Vill Manikbhandar, P.O Manikbhandar, P.S Kamalpur, Dist Dhalai.
121. Surajit Debbarma,
S/O Kunja Kumar Debbarma, Vill Duraichhara, Dist Dhalai, Tripura.
122. Satya Rani Debbarma,
D/O Kirti Chandra Debbarma, Vill Salema, Katalutma, P.S Salema, Dist Dhalai, Tripura.
123. Mobi Kumar Debbarma,
S/O Bir Mani Debbarma, Vill Manmohan Para, Duraichara, Shyamrai Chara, Tripura.
124. Arpita Sen,
W/O Ramananda Sen, Vill Manikbhandar, P.O Manikbhandar, P.S- Kamalpur, Dist Dhalai, Tripura.
125. Anath Chakraborty,
S/O Ananta Chakbraborty, Vill & P.O Chulubari, P.S Kamalpur, Dist Dhalai, Tripura.
126. Bijoy Kumar Reang,
S/O Kunda Ram Reang, Vill Narayanpur, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
127. Arun Kanti Tripura,
S/O Lt. Jiban Jyoti Tripura, Vill Mog Para, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
128. Hemanta Tripura,
S/O Kanusing Tripura, Vill Chandra Kumar Para, P.O Raima, P.S Raishyabari, Dist Dhalai, Tripura.
129. Satyadhan Tripura,
S/O Biswa Kumar Tripura, Vill Dayaram Para, P.O Raima, P.S Raishyabari, Dist Dhalai, Tripura.
130. Naba Jyoti Tripura,
S/O Kamini Mohan Tripura, Vill Ranjit Para, P.O Raima, P.S Raishyabari, Dist Dhalai, Tripura.
131. Kharendra Tripura,
S/O Malendra Tripura, Vill Mainya Kumar Para, P.O Raima, P.S Raishyabari, Dist Dhalai, Tripura.
132. Bijoy Sen Chakma,
S/O Indra Mani Chakma, Vill Thakurachara, P.O Ranipukur, P.S Raishyabari, Dist Dhalai, Tripura.
133. Malik Pada Jamatia,
S/O Chaitra Kumar Jamatia, Vill Kishori Mohan Para, P.O Raima, P.S Raishyabari, Dist Dhalai, Tripura.

134. Chandra Bikash Chakma,
S/O Jibita Bahan Chakma, Vill Uttarai Para, P.O Ranipukur, P.S Gandachara, Dist Dhalai, Tripura.
135. Priti Moy Chakma,
S/O Sukra Mani Chakma, Vill Uttarai Para, P.O Ranipukur, P.S Gandachara, Dist Dhalai, Tripura.
136. Shyamal Majumder,
S/O Kamala Kanta Majumder, Vill Chandra Kishore Para, P.O Ranipukur, P.S Gandachara, Dist Dhalai, Tripura.
137. Ratna Prabha Chakma,
D/O Chitta Ranjan Chakma, Vill Chitta Para, P.O Ranipukur, P.S Raishyabari, Dist Dhalai, Tripura.
138. Joy Kumar Biswas,
S/O Surendra Biswas, Vill Durgapur, P.O Sarma, P.S Gandachara, Dist Dhalai, Tripura.
139. Amar Shanti Chakma,
S/O Ganda Ram Chakma, Vill Thakurachara, P.O Ranipukur, P.S Raishyabari, Dist Dhalai, Tripura.
140. Mongla Mog,
S/O Ramananda Mog, Vill Driguram Para, P.O Agabandhu Para, P.S Gandachara, Dist Dhalai, Tripura.
141. Dipti Baishya (Hajari),
D/O Subal Baishya, Vill 36 Card, P.O Laxmipur, P.S Gandachara, Dist Dhalai, Tripura.
142. Ratan Dev Chakma,
S/O Lt. Ramesh Chandra Chakma, Vill Thakurachara, P.O Ranipukur, P.S Raishyabari, Dist Dhalai, Tripura.
143. Rani Joy Reang,
S/O Lalihum Reang, Vill Thanarai Para, P.O Bullongbassa, P.S Gandachara, Dist Dhalai, Tripura.
144. Nirmal Kanti Tripura,
S/O Behendra Tripura, Vill Mukta Ram Para, P.O Jagabandhu Para, P.S Gandachara, Dist Dhalai, Tripura.
145. Krishanu Reang,
S/O Shib Kumar Reang, Vill Ruhida Para, P.O Jagabandhu Para, P.S Gandachara, Dist Dhalai, Tripura.
146. Ala Mohan Tripura,
S/O Shanti Mohan Tripura, Vill Kupchara, P.O Jagabandhu Para, P.S Gandachara, Dist Dhalai, Tripura.
147. Padaram Reang,
S/O Mukti Ram Reang, Vill Kasharai Para, P.O Jagabandhu Para, P.S Gandachara, Dist Dhalai, Tripura.

148. Sadhan Kumar Chakma,
S/O Fula Ranjan Chakma, Vill Thakurachara, P.O Ranipukur, P.S Raishyabari,
Dist Dhalai, Tripura.
149. Shanti Ranjan Tripura,
S/O Mano Ranjan Tripura, Vill Jer Kumar Para, P.O Raima, P.S Raishyabari, Dist
Dhalai, Tripura.
150. Amal Sarkar,
D/O Sushil Sarkar, Vill Ramnagar, P.O Bullongbassa, P.S Gandachara, Dist
Dhalai, Tripura.
151. Rekha Tripura,
D/O Utpal Kumar Tripura, Vill Dina Ram Para, P.O Raima, P.S Raishyabari, Dist
Dhalai, Tripura.
152. Arinjita Tripura,
D/O Purna Mohan Tripura, Vill Khetra Dhan Para, P.O Raima, P.S Raishyabari,
Dist Dhalai, Tripura.
153. Mandhari Tripura,
D/O Rati Kumar Tripura, Vill Raishyabari, P.O Raima, P.S Raishyabari, Dist
Dhalai, Tripura.
154. Chinta Rani Jamatia,
D/O Gobinda Hari Jamatia, Vill Bikram Kishore Para, P.O Raima, P.S
Raishyabari, Dist Dhalai, Tripura.
155. Kanta Mani Chakma,
D/O Prem Chandra Chakma, Vill Dhalajhari, P.O Laxmipur, P.S Gandachara, Dist
Dhalai, Tripura.
156. Fula Ranjan Chakma,
D/O Jugendra Chakma, Vill Tuichakma, P.O Ranipukur, P.S Raishyabari, Dist
Dhalai, Tripura.
157. Nazar Mani Tripura,
S/O Gandaram Tripura, Vill Jagabandhu Para, P.O Jagabandhu Para, P.S
Gandachara, Dist Dhalai, Tripura.
158. Bhadra Joy Tripura,
S/O Shashi Dhan Tripura, Vill Jagabandhu Para, P.O Jagabandhu Para, P.S
Gandachara, Dist Dhalai, Tripura.
159. Gunanga Mani Chakma,
S/O Jyotish Chandra Chakma, Vill Bikram Kishore Para, P.O Raima, P.S
Raishyabari, Dist Dhalai, Tripura.
.....Appellant(s)

Versus

1. The State of Tripura,
(To be represented by the Principal Secretary, Department of School Education,
Government of Tripura), New Secretariat Building, New Capital Complex,
Kunjaban, P.S New Capital Complex, Agartala, West Tripura, PIN 799010.

2. The Director,
O/O the Directorate of Elementary Education, Govt. of Tripura, Office Lane,
Agartala, West Tripura, Agartala, Pin 799003.
3. The Principal Secretary,
Department of Finance, Government of Tripura), New Secretariat Building, New
Capital Complex, Kunjaban, P.S New Capital Complex, Agartala, West Tripura,
PIN 799010.
4. The State Project Director,
Samagra Shiksha Abhiyan, (O/o the School Education Department, Govt. of
Tripura, Shiksha Bhavan, Office Lane, Agartala, West Tripura, PIN 799001).
5. Union of India,
Ministry of Education, To be represented by the Secretary, 109-C, Shastri Bhawan,
New Delhi 110001.

.....Respondent(s)

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1. Bimal Majumder,
S/O Bibisa Majumder, R/O Naithongcharra, P.S Manughat, Dist Dhalai, Tripura.
2. Arup Kanti Sinha,
S/O Laxmi Kanti Sinha, R/O Jamircherra, P.S Manughat, Dist Dhalai, Tripura.
3. Dhaniram Chakma,
S/O Dhanaram Chakma, R/O Lalcherra, P.S LTV (Chailengta), Dist Dhalai,
Tripura.
4. Jayanta Kumar Das,
S/O Laxmi Kanta Das, R/O Noydrone, P.O Rowa, Panisagar, Dist North Tripura,
Dharmanagar.
5. Joydeb Das,
S/O Parimal Chandra Das, R/O Panisagar, P.O Panisagar, Dist North Tripura,
Dharmanagar.
6. Sibasis Das,
S/O Lt. Nirmal Kanti Das, R/O Panisagar, P.O Panisagar, P.S Panisagar, Dist
North Tripura.
7. Dayamay Nath,
S/O Lt. Durgacharannath, R/O West Panisagar, P.O Panisagar, P.S Panisagar, Dist
North Tripura.
8. Kokil Debnath,
S/O Basu Debnath, R/O Batrishdrone, P.O Rowa, P.S Panisagar, Dist North
Tripura.
9. Hmuaka Darlong,
S/O Ramsanga Darlong, R/O Darlongpara, P.O Piplacherra, P.S Damcherra, Dist
North Tripura.
10. Krishna Kanta Nath,

- S/O Lt. Narendra Chandra Nath, R/O Nayapasha, P.O Tilthainutan Bazar, Dist North Tripura.
11. Babita Debbarma,
D/O Bishu Debbarma, R/O Damcherra, P.O Damcherra, P.S Damcherra, Dist North Tripura.
12. Anjana Acharjee,
D/O Lt. Amar Chand Acharjee, R/O Damcherra, P.O Damcherra, P.S Damcherra, Dist North Tripura.
13. Pradip Sen,
S/O Lt. Himangsu Kumar Sen, R/O Damcherra, P.O Damcherra, P.S Damcherra, Dist North Tripura.
14. Supriya Sen (Datta),
D/O Lt. Badal Datta, R/O Damcherra, P.O Damcherra, P.S Damcherra, Dist North Tripura.
15. Tapan Kumar Das,
S/O Lt. Harendra Kumar Das, R/O Damcherra, P.O Damcherra, P.S Damcherra, Dist North Tripura.
16. Mangala Das,
D/O Mohan Lal Das, R/O Damcherra, P.O Damcherra, P.S Damcherra, Dist North Tripura.
17. Supantha Das,
D/O Monoranjana Das, R/O Damcherra, P.O Damcherra, P.S Damcherra, Dist North Tripura.
18. Asit Kumar Roy,
S/O Lt. Ajit Kumar Roy, R/O Damcherra, P.O Damcherra, P.S Damcherra, Dist North Tripura.
19. Purnima Das,
D/O Lt. Mahendra Chandra Das, R/O Damcherra, P.O Damcherra, P.S Damcherra, Dist North Tripura.
20. Soma Das,
D/O Lt. Dilip Kr. Das, R/O D.N.V Road, P.O Dharmanagar, P.S Dharmanagar, Dist North Tripura.
21. Santa Rani Singha,
D/O Lt. Kamala Kanta Singha, R/O Rajbari, P.O Dharmanagar, P.S Dharmanagar, Dist North Tripura.
22. Pradip Sinha,
S/O Lt. Lalit Sinha, R/O Nadiapur, P.O Kalacherra, P.S Churaibari, Dist North Tripura.
23. Ramendra Chandra Nath,
S/O Lt. Rasraj Chandra Nath, R/O Jalabasa, P.O Jalabasa, P.S Panisagar, Dist North Tripura.

24. Apurba Nath,
S/O Lt. Manendra Nath, R/O Subhasnagar, P.O Kanchanpur, P.S Kanchanpur,
Dist North Tripura.
25. Bhagyeswar Nath,
S/O Lt. Girindra Kumar Nath, R/O Barahaldi, P.O Barahaldi, P.S Kanchanpur,
Dist North Tripura.
26. Dibakar Das,
S/O Lt. Dilip Das, R/O Radhamadhabpur, P.O Dasda, P.S Kanchanpur, Dist North
Tripura.
27. Mithan Bose,
S/O Lt. Tejendra Narayan Bose, R/O Chari Para, P.O Chari Para, P.S Amtali, Dist
West Tripura.
28. Dipankar Acharjee,
S/O Lt. Ramendra Acharjee, R/O Subashnagar, P.O Kanchanpur, P.S Kanchanpur,
Dist Dhalai, Tripura.
29. Bela Rani Chakma,
D/O Radhakishore Chakma, R/O Tilak Para, P.O Mainama, P.S Chailengta, Dist
Dhalai, Tripura.
30. Tapan Banik,
S/O Nikunja Behari Banik, R/O Chailengta, P.O Chailengta, P.S Chailengta, Dist
Dhalai, Tripura.
31. Badal Chandra Das,
S/O Hari Charan Das, R/O Chailengta, P.O Chailengta, Dist Dhalai, Tripura.
32. Karna Sarkar,
S/O Parameshwar Sarkar, R/O Mainama, P.O Mainama, Dist Dhalai, Tripura.
33. Hira Lal Sarkar,
S/O Rasiklal Sarkar, R/O Chailengta, P.O Chailengta, Dist Dhalai, Tripura.
34. Saroj Mallik,
S/O Harendra Mallik, R/O Chailengta, P.O Chailengta, Dist Dhalai, Tripura.
35. Sujit Rudrapaul,
S/O Sudhir Rudrapaul, R/O Chailengta, P.O Chailengta, Dist Dhalai, Tripura.
36. Soma Das,
D/O Lt. Jogabrata Das, R/O Saradapalli, P.O Ratiabari, P.S Kumarghat, Dist
Unakoti, Tripura.
37. Santana Chakma,
D/O Arun Chakma, R/O Andharcherra, P.O Pechartal, P.S Pechartal, Dist
Unakoti, Tripura.
38. Mahua Bhowmik,
D/O Sankar Bhowmik, R/O Kaulikura, P.O Sunamukhi, P.S Kailasahar, Dist
Unakoti, Tripura.
39. Ananda Das,

- S/O Lt. Binanda Kr. Das, R/O Chailengta, P.O Chailengta, P.S Chailengta, Dist Dhalai, Tripura.
40. Raju Das,
S/O Nikhil Chandra Das, R/O Adarshapalli, P.O Manughat, P.S Manughat, Dist Dhalai, Tripura.
41. Subir Sarkar,
S/O Bisweswar Sarkar, R/O Bakcherra, P.O Durgacherra, P.S Chailengta, Dist Dhalai, Tripura.
42. Priya Mohan Das,
S/O Lt. Kshirmohan Das, R/O East Masli, P.O Shib Bari, P.S Manughat, Dist Dhalai, Tripura.
43. Zirsangjela Darlong,
S/O Lalkima Darlong, R/O Kanchancherra, P.O Kanchencherra, P.S Manughat, Dist Dhalai, Tripura.
44. Narayan Debnath,
S/O Lt. Kamini Mohan Debnath, R/O Chailengta, P.O Chailengta, P.S Chailengta, Dist Dhalai, Tripura.
45. Sanjib Banik,
S/O Priyalala Banik, R/O Chawmanu, P.O Chawmanu, P.S Chawmanu, Dist Dhalai, Tripura.
46. Lalin Debbarma,
S/O Bishu Kumar Debbarma, R/O Chanmari Para, P.O Manu, P.S Manu, Dist Dhalai, Tripura.
47. Mina Rani Namasudra,
D/O Nibaran Namasudra, R/O Kumarghat Sukanta Palli (Ramkrishna Sarani), P.O Kumarghat, P.S Kumarghat, Dist Unakoti, Tripura.
48. Dipali Roy,
W/O Dipendra Chanda, R/O East Masli, P.O East Masli, P.S Manughat, Dist Dhalai, Tripura.
49. Uttam Dey,
S/O Satyendra Dey, R/O Mashauli, P.O Mashauli, P.S Kumarghat, Dist Unakoti.
50. Mousami Chakma,
D/O Rabi Charan Chakma, R/O Tilak Para, P.O Mainama, P.S Chailengta, Dist Dhalai, Tripura.
51. Dipesh Sarkar,
S/O Haribal Sarkar, R/O Chailengta, P.O+ P.S Chailengta, Dist Dhalai, Tripura.
52. Santwana Saha,
W/O Tapsh Bhowmik, R/O Nalkata, P.O Nalkata, P.S Manughat, Dist Dhalai, Tripura.
53. Sanjib Chakma,

- S/O Fulchandra Chakma, R/O Chailengta, P.O Chailengta, P.S Chailengta, Dist Dhalai, Tripura.
54. Anthony Amit Darlong,
S/O Lala Darlong, R/O Kanchancherra, P.O Kanchancherra, P.S Manughat, Dist Dhalai, Tripura.
55. Samiran Das,
S/O Sunil Chandra Das, R/O Naitong Cherra, P.O Karamcherra, P.S Manu, Dist Dhalai, Tripura.
56. Jarsona Darlong,
S/O Roikhuma Darlong, R/O Nalkata, P.O Nalkata, P.S Manu, Dist Dhalai, Tripura.
57. Sukanta Datta,
S/O Sishir Datta, R/O West Masli, P.O Masli, P.S Manu, Dist Dhalai.
58. Ratan Deb,
S/O Lt. Rakesh Deb, R/O East Masli, P.O Masli, P.S Manu, Dist Dhalai, Tripura.
59. Sujit Mallik,
S/O Harendra Mallik, R/O Chailengta, P.O Chailengta, P.S Chailengta, Dist Dhalai.
60. Sanghita Ray (Saha),
W/O Dhiman Saha, R/O Chailengta, P.O+ P.S Chailengta, Dist Dhalai, Tripura.
61. Balaram Deb,
S/O Kamakhya Deb, R/O West Masli, P.O Masli, P.S Manu, Dist Dhalai, Tripura.
62. Sanjit Ch. Roy,
S/O Indu Bhushan Roy, R/O Chailengta, P.O+P.S Chailengta, Dist Dhalai, Tripura.
63. Ashok Chowdhury,
S/O Radha Ranjan Chowdhury, P.O+ Vill Mainama, P.S Chailengta, Dist Dhalai Tripura.
64. Sanjit Munda,
S/O Lt. Rabi Munda, Vill Bak Charra, P.O Durga Charra, P.S Chailengta, Dist Dhalai, Tripura.
65. Debasis Barua,
S/O Lt. Sagardutta Barua, Vill Manughat, P.S Manu, Dist Dhalai, Tripura.
66. Abani Kanta Das,
S/o Late Shyama Charan Das, Vill Chailengta, P.O Chailengta, Pin 799273, P.S Chailengta, Sub-Division Longthorai Valley, District Dhalai.
67. Nakul Tripura,
S/o Milan Mohan Tripura, Vill Dhumacherra, P.O Dhumacherra, Pin 799275, P.S Dhumacherra, Sub-Division Longthorai Valley, District Dhalai.
68. Prabhati Debbarma,

- D/o Plasid Debbarma, Vill Karaticherra, P.O Karaticherra Pin 799275, P.S Dhumacherra, Sub-Division Longthorai Valley, District Dhalai.
69. Manita Debbarma,
D/o Indra Kumar Debbarma, Vill Karati cherra, P.O Karati cherra, pin 799275, P.S Dhumacherra, Sub Division Longthorai Valley, District Dhalai.
70. Dahanjay Tripura,
S/o Amil Dhan Tripura, Vill Karamcherra, P.O Karamcherra, Pin 799264, P.S Manughat, Sub-Division Longthorai Valley, District Dhalai.
71. Uttam Kumar Tripura,
S/o Purna Kamal Tripura, Vill Karaticherra, P.O Karaticherra, Pin 799275, P.S Manughat, Sub-Division Longthorai Valley, District Dhalai.
72. Bapi Bhattacharjee,
S/o Arun Kumar Bhattacharjee, Vill East Masli, P.O Masli, Pin 799275, P.S Manughat, Sub-Division Longthorai Valley, District Dhalai.
73. Prabhat Debbarma,
S/o Durga Mohan Debbarma, Vill Dangacherra, P.O Nepaltilla, Pin 799288, P.S Nepaltilla, Sub-Division Longthorai Valley, District Dhalai.
74. Mojendra Reang,
S/O Sabaram Reang, Vill Kanchancherra, P.S Manu, Dist Dhalai Tripura.
75. Haladhan Tripura,
S/O Ranendra Tripura, Vill Kanchancherra, P.O Kanchanerra, Dist Dhalai, Tripura.
76. Udhar Joy Reang,
S/O Mukta Joy Reang, Vill Kanchancherra, P/S Manu, District Dhalai Tripura.
77. Biswanath Kalai,
S/O Anil Kalai, Vill Dhunacherra, P/S Manu, Dist Dhalai Tripura.
78. Jonoray Reang,
S/O Sachindra Reang, Vill Kukicherra, P.O Nepaltilla, Dist Dhalai Tripura.
79. Chanthapuii Darlong,
S/O Ngurhura Darlong, Vill Nalkata, P/O BSF Camp (Nalkata), Dist Dhalai Tripura.
80. Amit kr. Tripura,
S/O Chakra Mohan Tripura, Vill Naitongcherra, P/O Karamcherra, Dist Dhalai Tripura.
81. Swapna Dey,
D/O Lt. Amulya Kumar Dey, Vill Naitongcherrra, P/O Manu, Dist Dhalai Tripura.
82. Sanjit Tripura,
S/O Sater Tripura, Vill Naitongcherra, P/O Karamcherra, Dist Dhalai Tripura.
83. Purnima Deb Choudhary,
D/O Matilal Debchoudhary, Vill Chailengta, P/S Chailengta, Dist Dalai Tripura.
84. Prasensjit Deb Chowdhury,

- S/O Kajal Deb Chowdhury, Vill Chailengta, P/O Chailengta, Dist Dhalai Tripura.
85. Swapan Sarkar,
S/O Keshab Sarkar, Vill Gainama, P/S Longthorai Valley, Dist Dhalai Tripura.
86. Rikonjoy Reang,
S/O Machindra Reang, Vill Longtharaicherra, P/S Nepaltilla, Dist Dhalai.
87. Manual Darlong,
S/O Rama Darlong, Vill Kukicherra, P/O Kukicherra, Dist Dhalai Tripura.
88. Anju Debbarma,
S/O RamendraDebbarma, Vill Kathalcherra P/O Nepaltilla, Dist Dhalai Tripura.
89. Dilip Sarkar,
S/O Mahananda Sarkar, Vill Gainama, P/O Chailengta, Dist Dhalai Tripura.
90. Debasish Das,
S/O Naresh Ch. Das, Vill East Masli, P/O Masli, Dist Dhalai Tripura.
91. Dipesh Das,
S/O Digendra Das, Vill West Masli, P/O Masli, Dist Dhalai Tripura.
92. Sanjoyjit Chakma,
S/O Birajmani Chakma, Vill Longthorai, P/S Longthorai Valley, Dist Dhalai Tripura.
93. Bharat Chakma,
S/O Chandrabahu Chakma, Vill Gainama, P/S Longtharai Valley.
94. Hare Krishna Sarkar,
S/O Sarada Ch. Sarkar, Vill Mainama, P/S Manu, Dist Dhalai Tripura.
95. Kangsha Ram Reang,
S/O Bijoy Reang, Vill West Masli, P/S Manu, Dist Dhalai Tripura.
96. Hiran Mala Tripura,
S/O Hiralal Tripura, Vill Kanchancherra, P/O Kanchancherra, Dist Dhalai Tripura.
97. Sushil Chakma,
S/O RangaPuna Chakma, Vill Gainama, P/S Longtharai Valley, Dist Dhalai Tripura.
98. Lalthanga Darlong,
S/O Hrenga Darlong, Vill Nalkata, P/S Manu, Dist Dhalai Tripura.
99. Babulal Singa,
S/O Bikari Singa, Vill Kathalcherra, P/S Nepaltilla, Dist Dhalai Tripura,
100. Pranati Bhowmik,
S/O Tapan Sarkar, Vill Durgacherra, P/S Chawamanu, Dist Dhalai Tripura.
101. Ranjan Debnath,
S/O Raj Mohan Debnath, Vill Chailengta, P/O Chailengta, Dist Dhalai Tripura.
102. Unnayan Tripura,

- S/O Bir Mohan Tripura, Vill N. Dhumacherra, P/O Dhumacherra, Dist Dhalai Tripura.
103. Hridaybati Reang,
D/O Sulehum Reang, Vill Lalcherra, P/O Lalcherra, Dist Dhalai Tripura.
104. Prabhat Singha,
S/O Kanan Singha, Vill Nepaltilla, P/O Nepaltilla, Dist Dhalai Tripura.
105. Dilip Kumar Chakma,
S/O Lt. Partha Chandra Chakma, Vill Lalcherra, P/O Lalcherra, Dist Dhalai Tripura.
106. Ramthanga Reang,
S/O Rabijoy Reang, Vill Laldinga Para, P/O Laldinga Para, Dist Dhalai Tripura.
107. Mampi Rani Sarkar,
D/O Sukhalal Sarkar, Vill East Masli, Dist Dhalai Tripura.
108. Arjun Deb,
S/O Arun Deb, Vill W. Karamcherra, P/O Karamcherra, Dist Dhalai Tripura.
109. Sikha Denbath,
D/O Prafulla Debnath, Vill West Karamcherra, P/O Karamcherra, Dist Dhalai Tripura.
110. Ashis Sarkar,
S/O Ranajit Sarkar, Vill Chailengta, P/S Longtharai Valley, Dist Dhalai Tripura.
111. Mandrijoy Tripura,
S/O Khulajoy Tripura, Vill Garjan, P/S Chawmanu, Dist Dhalai Tripura.
112. Dhanyamanik Rupini,
S/O Narendra Rupini, Vill Gainama, P.S Longtharai Valley, Dist Dhalai Tripura.
113. Binoy Chakma,
S/O Rabati Chakma, Vill Rangapanicherra, P/S Chawmonu, Dist Dhalai Tripura.
114. Mali Ranjan Tripura,
S/O Lt. Karti Chandra Tripura, R/O Dhumacherra, P/S Manu, Dist Dhalai Tripura.
115. Parshuram Tripura,
S/O Charendra Tripura, Vill Manikpur, P.S Chawmonu, Dist Dhalai Tripura.
116. Dijendra Debbarma,
S/O Rabindra Debbarma, Vill Mainama, P/O Mainama, Dist Dhalai Tripura.
117. Tapan Roy,
S/O Umesh Roy, Vill East Masli, P/S Longtharai Valley, Dist Dhalai Tripura.
118. Arpana Sarkar,
D/O Jogendra Sarkar, Vill Baccherra, P/S Chawmonu, Dist Dhalai Tripura.
119. Krishna Lal Sarkar,
S/O Lt. Jogendra Sarkar, Vill Bakcherra, P/O Dhurgacherra, Dist Dhalai Tripura.
120. Sanjita Das,

- D/O Sudhyana Das, Vill Chailengta, P/S Chailengta, Dist Dhalai Tripura.
121. Gita Rani Sarkar,
W/O Lt. Kamal Sarkar, Vill Chailengta, P/S. Chailengta, Dist Dhalai Tripura.
122. Ramendra Chakma,
S/O Hari Charan Chakma, Vill Gejacheria, P/S Chawmonu, Dist Dhalai Tripura.
123. Ajit Roy,
S/O Lt. Rajbihari Roy, Vill Durgacheria, P/S Chailengta, Dist Dhalai Tripura.
124. Abhijit Chakma,
S/O Balaram Chakma, Vill Gajacheria, P/S Longtharai Valley, Dist Dhalai Tripura.
125. Santi Deb,
W/O Parimal Malakar, Vill Malakarpara Masli, P/S Longtharai Valley, Dist Dhalai Tripura.
126. Sanjit Sarkar,
S/O Lt. Ajit Sarkar, Vill Bakcheria, P/S Chamonu, Dist Dhalai Tripura.
127. Sova Ranjan Chakma,
S/O Naradmoni Chakma, Vill Dhalucheria, P/O Chailengta, Dist Dhalai Tripura.
128. Milan Chakma,
S/O Rabin Chakma, Vill Haza Cheria, Vill Hazacheria, P/S. Chawmanu, Dist Dhalai Tripura.
129. Santosh Sarkar,
S/O Lt. Pitambar Sarkar, Vill Gainama, P/S Chailengta, Dist Dhalai Tripura.
130. Bipesh Roy,
S/O Rabindra Ch. Roy, Vill Gainama, P/S Chailengta, Dist Dhalai Tripura.
131. Rekha Das,
S/O Sunil Das, Vill Chailengta, P/O Chailengta, Dist Dhalai Tripura.
132. Swapan Debbarma,
S/O Mangal Debbarma, Vill Lalcheria, P/O Lalcheria, Dist Dhalai Tripura.
133. Fanirmal Tripura,
S/O Saralmani Tripura, Vill East Karamcheria, P/O Karamcheria, Dist Dhalai Tripura.
134. Pati Ram Reang,
S/O Basan Roy Reang, Vill Nepaltilla, P/S Nepaltilla, Dist Dhali Tripura.
135. Anuka Chakma,
D/O Sama Chandra Chakma, Vill Tilakpara, P/O Mainama, Dist Dhalai Tripura.
136. Surendra Reang,
S/O Kashi Ram Reang, Vill Kanchancheria, P/S Manu, Dist Dhalai Tripura.
137. Jhulan Debbarma,
S/O Chaitra Debbarma, Vill+P.O Lal Charra, Dist Dhalai Tripura.
138. Moses Lalramthara Molsom,

- S/O Rajmohan Molsom, Vill. Bishnucharan Para, P/S Damcherra, Dist Dhalai Tripura.
139. Dulan Deb,
S/O Pathibusan Deb, Vill. Damcherra, P/O Damcherra, Dist Dhalai Tripura.
140. Subrata Das,
S/O Lt. Samiran Das, Vill. Khedacherra, P/O Khedacherra, Dist Dhalai Tripura.
141. Lily Tripura,
W/O Vanman Ril Chorei, Vill. Halambasti, P/O Narendranagar, Dist Dhalai Tripura.
142. Rina Shil, D/O Dulal Shil,
Vill Makarcherra, P/S Chawmanu, Dist Dhalai Tripura.
143. Sanhimi Halam,
D/O Hriday Halam, Vill ...P/S... Dist Dhalai Tripura.
144. Prasita Rani Das (Purkayastha),
W/O Amal Das Purkayastha, Vill West Panisagar, P/O West Panisagar, Dist North Tripura.
145. Daniel Darlong,
S/O Ramsanga Darlong, Vill Piplacherra, P/O Piplacherra, Dist Dhalai Tripura.
146. Dipak Ranjan Das,
S/O Lt. Jitendra Kumar Das, Vill Panisagar, P/O Panisagar, Dist North Tripura.
147. Ratna Debnath,
D/O Surendra Debnath, Vill Rowa, P/O Rowa Panisagar, Dist North Tripura.
148. Kanailal Das Choudhury,
S/O Aswini Kumar Das, Vill Kewri, P/O Jalabasa, Panisagar, Dist North Tripura.
149. Gopal Das,
S/O Lt. Upendra Das, Vill West Panisagar, Dist North Tripura.
150. Bakrajoy Reang,
S/O Lt. Barendra Reang, Vill Handurai Para, P/O Piplacherra, Dist North Tripura.
151. Bigyanjoy Reang,
S/O Nigendra Reang, Vill Handurai Para, P/O Piplacherra, Dist North Tripura.
152. Rabindra Reang,
S/O Katiram Reang, Vill Khedacherra, P/S Damcherra, Dist North Tripura.
153. Anjali Sarkar,
D/O Naresh Sarkar, Vill Chailengta, P/O Chailengta, Dist Dhalai Tripura,
154. Sri Ratan Debnath,
S/O Lt. Birendra Debnath, Vill P/O Rowa, District Noth Tripura.
.....Appellant(s)

Versus

1. The State of Tripura
(To be represented by the Principal Secretary, Department of School Education, Government of Tripura), New Secretariat Building, New Capital Complex, Kunjaban, P.S New Capital Complex, Agartala, West Tripura, PIN 799010.
2. The Director,
O/O the Directorate of Elementary Education, Govt. of Tripura, Office Lane, Agartala, West Tripura, Agartala, Pin 799003.
3. The Principal Secretary,
Department of Finance, Government of Tripura, New Secretariat Building, New Capital Complex, Kunjaban, P.S New Capital Complex, Agartala, West Tripura, PIN 799010.
4. The State Project Director,
Samagra Shiksha Abhiyan, (O/o the School Education Department, Govt. of Tripura, Shiksha Bhavan, Office Lane, Agartala, West Tripura, PIN 799001).
5. Union of India, Ministry of Education,
To be represented by the Secretary, 109-C, Shastri Bhawan, New Delhi – 110001.
.....Respondent(s)

For Appellant(s)	:	Mr. P. Roy Barman, Senior Advocate. Mr. Samarjit Bhattacharjee, Advocate. Mr. Kawsik Nath, Advocate.
For Respondent(s)	:	Mr. S.S. Dey, Advocate General. Mr. B. Majumder, Dy. S.G.I. Ms. A. Chakraborty, Advocate.

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Sri Sukanta Debnath,
Son of Late Hari Debnath, resident of Lalcharra, Bagajatin Club Road, P.O. P.S.,
Sub-Division & District Khowai Tripura, Pin 799201.

..... Appellant(s)

Versus

1. The State of Tripura,
represented by the Commissioner & Secretary, Education Department,
Government of Tripura, having his office at Secretariat Building, P.O Kunjaban,
P.S New Capital Complex, District West Tripura, Pin 799006.
2. The Commissioner & Secretary,
Education Department, Government of Tripura, having his office at Secretariat
Building, P.O Kunjaban, P.S New Capital Complex, District West Tripura, Pin
799006.

3. The Commissioner & Secretary,
Finance Department, Government of Tripura, having his office at Secretariat Building, P.O Kunjaban, P.S New Capital Complex, District West Tripura, Pin 799006.
 4. The Director,
Department of Elementary Education, Government of Tripura, having his office at Shiksha Bhawan, Office Lane, P.O Agartala, P.S West Agartala, District West Tripura, Pin 799001.
 5. The State Project Director,
Samagra Shiksha Abhiyan (erstwhile Sarva Shiksha Abhiyan), having his office at Shiksha Bhawan, Office Lane, P.O Agartala, P.S West Agartala, District West Tripura, Pin 799001.
- Respondent(s)
6. Sri Ananta Modak,
son of Late Ramani Kanta Modak, resident of Village Barabil, PO Singhicherra, PS, Sub-Division & District Khowai, PIN 799201.
- Proforma Respondent(s)

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1. Sri Raju Deb,
Son of Late Ranjit Kumar Deb, resident of Village Jambura, PO Khowai Court, PS, Sub-Division Teliamura, District Khowai, Tripura.
 2. Sri Litan Rudra Paul,
Son of Sri Subodh Rudra Paul, resident of Village South Pulinpor, PO Howaibari, PS & Sub-Division Teliamura, District Khowai, Tripura.
- Appellant(s)

Versus

1. The State of Tripura,
represented by the Commissioner & Secretary, Education Department, Government of Tripura, having his office at Secretariat Building, P.O Kunjaban, P.S New Capital Complex, District West Tripura, Pin 799006.
2. The Commissioner & Secretary,
Education Department, Government of Tripura, having his office at Secretariat Building, P.O Kunjaban, P.S New Capital Complex, District West Tripura, Pin 799006.
3. The Commissioner & Secretary,
Finance Department, Government of Tripura, having his office at Secretariat Building, P.O Kunjaban, P.S New Capital Complex, District West Tripura, Pin 799006.
4. The Director,

Department of Elementary Education, Government of Tripura, having his office at Shiksha Bhawan, Office Lane, P.O Agartala, P.S West Agartala, District West Tripura, Pin799001.

5. The State Project Director,
Samagra Shiksha Abhiyan (erstwhile Sarva Shiksha Abhiyan), having his office at Shiksha Bhawan, Office Lane, P.O Agartala, P.S West Agartala, District West Tripura, Pin 799001.

.....Respondent(s)

6. Sri Kamal Ranjan Debnath,
Son of Late Bhupendra Chandra Nath, resident of Village Paharmura, P.O. Paharmura, P.S., Sub-Division & District Khowai Tripura.
7. Smti. Anima Shil,
Wife of Sri Prantosh Biswas, daughter of Late Motilal Shil, resident of Bardowali, PO & PS A.D. Nagar, Sub-Division Agartala, District West Tripura.
8. Sri Pranab Modak,
Son of Late Pramod Modak, resident of Village Bankar, PO, PS, Sub-Division & District Khowai.
9. Sri Nitya Ranjan Banik,
Son of Late Niranjana Banik, resident of Village Ganki, PO Ganki, PS, Sub-Division & District Khowai.

.....Proforma-respondent(s)

WA 105 of 2023

1. Sri Ardhendu Nath,
Son of Late Narmada Chandra Nath, resident of Village Subhashnagar, PO, PS & Sub-Division Kanchanpur, District North Tripura.
2. Sri Sanku Dhar,
Son of Sri Pratul Chandra Dhar, resident of Village Ichai Kashimnagar, PO Ichai Sonapur, PS Kadamtala, Sub-Division Dharmanagar, District North Tripura.

.....Appellant(s)

Versus

1. The State of Tripura,
represented by the Commissioner & Secretary, Education Department, Government of Tripura, having his office at Secretariat Building, P.O Kunjaban, P.S New Capital Complex, District West Tripura, Pin 799006.
2. The Commissioner & Secretary,
Education Department, Government of Tripura, having his office at Secretariat Building, P.O Kunjaban, P.S New Capital Complex, District West Tripura, Pin 799006.

3. The Commissioner & Secretary,
Finance Department, Government of Tripura, having his office at Secretariat Building, P.O Kunjaban, P.S New Capital Complex, District West Tripura, Pin 799006.
4. The Director,
Department of Elementary Education, Government of Tripura, having his office at Shiksha Bhawan, Office Lane, P.O Agartala, P.S West Agartala, District West Tripura, Pin 799001.
5. The State Project Director,
Samagra Shiksha Abhiyan (erstwhile Sarva Shiksha Abhiyan), having his office at Shiksha Bhawan, Office Lane, P.O Agartala, P.S West Agartala, District West Tripura, Pin 799001.

.....Respondent(s)

For Appellant(s)	:	Mr. S. Lodh, Advocate. Mr. S. Majumder, Advocate.
For Respondent(s)	:	Mr. S.S. Dey, Advocate General. Ms. A. Chakraborty, Advocate.
Date of hearing [For all the above mentioned 11 cases]	:	20th May, 2024.
Date of delivery of Judgment	:	16th July, 2024.
Whether fit for reporting	:	YES

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

JUDGMENT & ORDER

All the appeals arise out of the common judgment dated 23.05.2023 passed by the Writ Court in WP(C) No.868 of 2021 decided analogously with other 12(twelve) writ petitions. By said impugned judgment, all the writ petitions were dismissed by the learned Writ Court. For convenience of discussions and decisions and common issues on facts and laws being involved, all the appeals were heard together and are being disposed of by this common judgment.

[2]

Grievances of the petitioners

All the appellants along with some other petitioners, who have not joined themselves in these appeals, filed said 13 Nos. of writ petitions praying for their regularization in service and for setting aside or to otherwise modify the notification bearing No.F.12(1207)-SE/LA/2015(L-2)/9193-9261 dated 30.09.2021 issued by the State Government in State Project Directorate, Samagra Shiksha, Tripura. By said notification, a scheme (*hereinafter referred as the impugned Scheme*) was formulated and published in pursuance of a common judgment dated 23.02.2021 passed by this Court in WP(C) No.329 of 2015 and WP(C) No.212 of 2016 for regularization of the teachers appointed under ‘Sarva Shiksha Abhiyan’ (later on merged with ‘Samagra Shiksha Abhiyan’) [for short referred as “SSA”]. So far could be gathered from the particulars as furnished in above said writ petitions, all the writ petitioners barring a few, were initially engaged on temporary basis for one year as primary teachers or upper primary teachers under SSA on different occasions during the period from 2004 to 2010 and thereafter their such engagements have been continued till date. As indicated above, few of them were appointed in 2011 in similar manner. According to the petitioners, all of them had meanwhile acquired both academic and professional qualifications as required by the guidelines of National Council for Teacher Education (for short- NCTE) but they have not been regularized yet in the service, rather by introducing said impugned Scheme, they are now being insisted to qualify the Teachers Eligibility Test (for short- TET) as one of the precondition for their regularization. In this context, they challenged the said Scheme before the learned Writ Court but the learned Writ Court declined to interfere with the Scheme.

[3]

During hearing, from both the sides, short notes were submitted and for convenience of the Court, learned Counsel of the appellants also submitted compilations of documents which were relied upon by them before the Writ Court. We shall be

dealing with the involved issues referring to these documents under compilations in relevant portions of the judgment without further mentioning of individual writ petition numbers where the respective documents were submitted. Without touching upon the individual particulars of each writ petitioner, we shall also primarily delve upon the issues relating to the matter of policy decision of the State regarding their regularization vis-a-vis validity of the impugned Scheme in the eye of law so far condition of qualifying TET is concerned.

[4]

Previous Litigations:

The appellants during hearing relied upon some of the previous decisions of this Court in the contexts of present appeals and these decisions are given a short reference here:

(i) **Sri Raju Nama and others vs. The State of Tripura and others [(2020)**

1 TLR 725];

In this case, the petitioners were untrained teachers employed in Government or Government aided or private unaided schools. They enrolled themselves at National Institute of Open Schooling (NIOS) for Diploma in Elementary Education (D.El.Ed.) course through Online Distance Learning (ODL) mode recognized by Government of India. While granting recognition to NIOS, Noida, NRC also approved duration of such course to be 18 months instead of 2 years. These petitioners also meanwhile completed T-TET course but the authorities refused to issue T-TET pass certificate in their favour with the reservation that for eligibility to undertake T-TET course, the D.El.Ed. course must be of minimum duration of 24 months and therefore, did not issue T-TET clearance certificates in their favour. Finally, the Court overruled that objection of the State Government and treated the same to be valid certificate.

(ii) **Sri Snehangshu Das and others vs. The State of Tripura and others****[WP(C) No.89 of 2020] decided analogously with other writ petitions on 18.12.2020:**

The grievance of the petitioners in that case was that even after completion of 5 years of engagement in the post of Assistant Teacher (Science Graduate) from date of their appointment in the year 2012 on temporary basis, they were not placed in regular pay scale. Though they were engaged after following the recruitment rules and regular selection process, by the policy decision of the State Government, initially they were kept on fixed pay regime for 5 years and after completion of period of said 5 years, they were not provided with the regular pay scale. The defence of the State in said case was that their engagement was not against any sanctioned post. They were engaged in temporary and ad-hoc vacancies and therefore, they could not be brought to the regular establishment. Another point of defence was that they did not possess the requisite qualification of B.Ed. pass which was minimum prescribed qualification by the NCTE for appointment as Assistant Teacher. It was also pleaded that the petitioners were recruited by an employment policy of 2003 which was later on found invalid by this Court in the case of **Tanmoy Nath and others vs. State of Tripura and others [(2014) 2 TLR 731]**. This Court finally held that the petitioners would be brought over to regular pay scale upon completion of 5 years of service from their initial engagement. In this case while dealing with the defence of the State that those petitioners were not possessing requisite educational qualification, the Court observed the followings at Para 18:

“18. Similarly the objection of the petitioners not possessing requisite educational qualifications is also for two reasons not a valid objection. Firstly, the Government itself was the recruiting agency. The Government had prescribed minimum qualifications in the recruitment rules. These qualifications were published in the recruitment notification. It is not the case of the respondents that any of the petitioners did not possess these qualifications. Several years later the Government cannot raise the legality about the recruitments on the ground that these petitioners did not possess the educational qualifications prescribed by NCTE. In any case, this objection on merits also is not sustainable. We have noticed that as per the Government the qualifications prescribed in the recruitment rules were amended in the year 2016 and 2019 to be in tune with NCTE regulations of 2014, the minimum

requirement being a graduation or post graduation from recognized university with at least 50% marks in either of the two degrees and Bachelor of Education from National Council for Teacher's Education recognized institution. These amendments which were made in the year 2016 and 2019 obviously cannot apply to recruitments which were made in the year 2012. It is true that the NCTE notification of 2001 provided the minimum educational qualification of graduation with B.Ed. or equivalent for a teacher. However, as correctly pointed out by Mr. Somik Deb, under a notification dated 18.06.2012 the Government of India, looking to the serious shortage of trained teachers in the State had given exemption from such additional qualification for appointment of a teacher. This notification took into account the proposal of the Government of Tripura for relaxation of the requirement of minimum qualifications for appointment as teachers as provided under sub-section (2) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009. This relaxation was granted up to 31.03.2015 subject to certain conditions including the condition that the State Government shall take all steps to increase the institutional capacity for preparing persons with qualifications to ensure that only qualified persons are appointed as teachers after 31.03.2015. This exemption was thereafter extended. By a further memorandum dated 19.08.2017 it was provided that those teachers who were already engaged shall also acquire the qualifications of a trained teacher as prescribed by NCTE within the stipulated time of 31.03.2019. Since there was a severe shortage of seats as compared to the aspirants, the existing teachers who may wish to have their qualifications regularized, the Government of India in the said notification also recognized certain online courses through which the qualifications could be obtained. Relevant portion of this notification reads as under:

“All in-service untrained teachers (Govt., Govt. Aided and Private Schools) shall acquire the minimum qualification required under the RTE Act, 2009 within the extended period till 31/03/2019 through the ODL Programme of NIOS except those who have already enrolled in IGNOU during July 2017 session.”

(iii) Judgment of the Division Bench of this Court in Sri Sajal Deb vs. The State of Tripura and others [WP(C) No.329 of 2015] along with WP(C) No.212 of 2016 in between Sri Manoj Kr. Debbarma vs. The State of Tripura and others decided on 23.02.2021:

Both the petitioners namely, Sajal Deb and Manoj Kr. Debbarma are also parties in WA No.86 of 2023 and WA No.81 of 2023 respectively herein. Hence, the case under reference above will be introduced hereafter as ***Sajal Deb (1st case)***. In that case, the grievances of the petitioners were that they along with other similarly situated teachers were appointed under ‘Sarva Shiksha Abhiyan’ on contractual basis from the year 2004-2010 on fixed pay basis without any attending service benefits, but

after serving long, they were not given pay scales equivalent to Government teachers and they have been denied several benefits of Government employment though they were performing similar duties and functions and would possess same qualification like Government teachers and they were also imparting education in the same schools and to the same students like them. They sought for their regularization in the service. The State objected to it mainly on the grounds that they were engaged under a scheme framed by the Central Government and there were no sanctioned posts to which they could be regularized. The second point of defence was that the State was unable to bear the financial burden if those teachers were regularized and in case, scheme would be withdrawn and their entire burden would fall on the State. Third point of defence was that many of those teacher appointed under SSA were not duly qualified and were not holding the qualification of 'T-TET'. But the contention of the petitioners in this regard was that many of them passed Diploma in Elementary Education (D.El.Ed.) meanwhile and the NCTE also recognized such certificate equivalent to T-TET. After taking note of all the relevant materials, the Court, finally, held the followings:

“53. We are, therefore, of the view that the petitioners must receive the remuneration in regular scale of pay assigned to the primary/upper primary Government teachers. The State Government also has a policy of initial appointment of a teacher on fixed pay basis for a period of 5 years. The same rule can be applied in the present case also. In case of all the petitioners thus from the date of the petitions or upon completion of 5 years of service whichever is later, they shall be placed in regular corresponding scales of pay for the Government teachers. However, this pay fixation would be for a notional purpose from the appropriate date till the date of this judgment, of course with notional release of increments as per the rules. Actual difference in salary would be paid effective from the date of this judgment.

54. The petitioners would have a right to be regularised after 10 years of continuous and uninterrupted engagement from initial appointment. It would be up to the Government to consider them for regularisation either in existing vacant posts of Government teachers or to sanction new posts as SSA teachers by creating such cadre if so advised. It would be open for the Government to frame a scheme providing for further terms and conditions on which such regularization shall be done. However, any such scheme shall contain a clause that the service upon completion of 5 years from initial engagement or the date of filing the petition whichever is later, (when as per this judgment the petitioners would notionally start receiving pay in regular scales) till date of regularisation, the services rendered by the petitioners shall count towards their pensionary benefits.

55. We are conscious of the legal issues concerning regular teachers in the Government schools which is a fall out of the Division Bench judgment of this Court in case of Tanmoy Nath and others vrs. State of Tripura and others reported in (2014) 2 TLR 731, where as per further orders passed by the Supreme Court, all those teachers who were terminated on account of the judgment of the High Court, would have a right to compete for fresh selections with age relaxation granted to them up to 31.03.2023. We have, therefore, left for the Government to regularize these petitioners either against the existing posts or on new posts which may be sanctioned.”

While dealing with the issues of not qualifying ‘Teachers Eligibility Test’ by the petitioners, following observations were made by the Court at Para 49:

“49. Coming to the last of the Government’s objection regarding qualification of the teachers, to begin with we are not inclined to go into individual qualifications held by every teacher which of course would be a subject matter for the Government to examine. We only propose to clear certain legal issues. If we understand correctly the objection raised by the Government is that they do not possess TET pass certificate. The petitioners have pointed out that they have all cleared D.El.Ed. Examinations successfully and for which they have been granted certificates by the recognised institutions. The petitioners contend that on account of insufficient number of teachers and insufficient number of institutions to impart teachers’ training to such unqualified teachers in the State, the NCTE had published notifications extending the time for completion of in-service teachers training and also provided that the D.El.Ed. Course would be equivalent to the TET course provided it is obtained within certain time period. All these aspects were examined by the Single Judge of this Court in case of **Sri Snehangshu Das and others vrs. The State of Tripura and others in WP(C) No.89 of 2020** and connected petitions in a judgment dated 18.12.2020 in which it was observed as under:

“18. Similarly the objection of the petitioners not possessing requisite educational qualifications is also for two reasons not a valid objection. Firstly, the Government itself was the recruiting agency. The Government had prescribed minimum qualifications in the recruitment rules. These qualifications were published in the recruitment notification. It is not the case of the respondents that any of the petitioners did not possess these qualifications. Several years later the Government cannot raise the legality about the recruitments on the ground that these petitioners did not possess the educational qualifications prescribed by NCTE. In any case, this objection on merits also is not sustainable. We have noticed that as per the Government the qualifications prescribed in the recruitment rules were amended in the year 2016 and 2019 to be in tune with NCTE regulations of 2014, the minimum requirement being a graduation or post graduation from recognized university with at least 50% marks in either of the two degrees and Bachelor of Education from National Council for Teacher’s Education recognized institution. These amendments which were made in the year 2016 and 2019 obviously cannot apply to recruitments which were made in the year 2012. It is true that the NCTE notification of 2001 provided the minimum educational qualification of graduation with B.Ed. or equivalent for a teacher. However, as

correctly pointed out by Mr. Somik Deb, under a notification dated 18.06.2012 the Government of India, looking to the serious shortage of trained teachers in the State had given exemption from such additional qualification for appointment of a teacher. This notification took into account the proposal of the Government of Tripura for relaxation of the requirement of minimum qualifications for appointment as teachers as provided under sub-section (2) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009. This relaxation was granted up to 31.03.2015 subject to certain conditions including the condition that the State Government shall take all steps to increase the institutional capacity for preparing persons with qualifications to ensure that only qualified persons are appointed as teachers after 31.03.2015. This exemption was thereafter extended. By a further memorandum dated 19.08.2017 it was provided that those teachers who were already engaged shall also acquire the qualifications of a trained teacher as prescribed by NCTE within the stipulated time of 31.03.2019. Since there was a severe shortage of seats as compared to the aspirants, the existing teachers who may wish to have their qualifications regularized, the Government of India in the said notification also recognized certain online courses through which the qualifications could be obtained. Relevant portion of this notification reads as under:

“All in-service untrained teachers (Govt., Govt. Aided and Private Schools) shall acquire the minimum qualification required under the RTE Act, 2009 within the extended period till 31/03/2019 through the ODL Programme of NIOS except those who have already enrolled in IGNOU during July 2017 session.”

19. In WP(C) No.87 of 2020 and connected petitions in case of **Sri Raju Nama and others vrs. The State of Tripura and others** reported in (2020) 1 TLR 725 this Court had occasion to examine the equivalence of Online Distance Learning Programmes through NIOS for the purpose of qualifications for trained teacher. The Court held and observed as under:

“19. In the anticipation that the petitioners will acquire the minimum qualifications of D.El.Ed. certificate, they were allowed to undertake the T-TET course. They have duly completed the D.El.Ed certificate course. They must therefore be allowed to enjoy the fruits of their having cleared the T-TET examination also. The State Government must issue a necessary certificate in this respect. The objection of the State Government that the basic qualification of D.El.Ed. pass was obtained by the petitioners from an institute which offered the course over duration of 18 months instead of 24 months envisaged as per the Regulations, is overruled.

20. In the result, petitions are allowed. The respondents shall accept the petitioners’ certificate of D.El.Ed. pass from NIOS (ODL programme) as valid for all purposes including for the purpose of undertaking TET examination. Necessary certificate of T-TET clearance would be issued to them if they have passed the examination. This shall be done within a period of 4 (four) weeks from today.

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

Distance learning course offered by IGNOU stands on the same footing as one offered by NIOS. I am informed that all the petitioners have obtained the qualification through distance learning course offered by IGNOU/NIOS.

This objection of the respondents also, therefore, is turned down.”

Following the directions of this Court in said case, the State Government, thereafter, framed a scheme as notified on 30.09.2021 (*the impugned scheme*) as indicated above which is now under controversy in the instant appeals.

[5]

Relevant laws, Rules and Regulations:

Before advertent to the arguments of both sides, references to different legislative changes and developments made and also of different administrative instructions and orders issued thereupon, appear to be essential for better understanding of the issues involved herein. Some of these relevant developments in law and important subordinate legislations and administrative instructions are therefore bookmarked hereunder in a brief configuration:

(i) Prior to 03.01.1977, authority to make laws on education including universities was placed in the State List of Seventh Schedule of the Constitution subject to the provisions of entry Nos.63, 64, 65 and 66 of List I and entry No.25 of List III. By 42nd Amendment of the Constitution, the education including technical education, medical education and universities, subject to the provision of entry Nos.63, 64, 65 and 66 of List I; vocational and technical training of labour were incorporated in the concurrent list. The Government of India thereby assumed the authority to legislate laws on the subjects like the State Governments.

(ii) Before such amendment made in the Constitution, the Government of Tripura under Article 309 of the Constitution framed Recruitment Rules for appointment to the post of Assistant teacher, Primary/Junior basic school under Education

Department of Tripura vide No. F.25(1)-E/70 (EC) dated 07.10.1970 and the Educational and other qualification for such recruitment were as under:

- “(a) For Scale of Rs.125-200/-
Trained Matriculate or H.S of
P.U. or S.F/ Un-trained under graduate or Graduate*
- (b) For Rs.125/- (fixed) in the scale of Rs.125-200/-
Untrained Matriculate of H.S. of P.U. or S.F.”*

Similarly, for recruitment for appointment to the post of Assistant Teachers, Secondary Schools under Education Department, a separate recruitment rules was notified vide No.F.25(1)-E/70(EC) dated 26.01.1971 and as per said Rules, followings were the required educational for such appointments:

“A. (I) For the scale of Rs.225-475/- and Rs.350-550/- (for existing incumbents only).

*Trained Honors graduate and trained Masters Degree holders.
Untrained Honors graduate and Masters Degree holders may be recruited but they will get Rs.225/- (fixed) till successful completion of training.*

(ii) For Scale of Rs.175-325/-

Trained graduates. Untrained graduates may be recruited but they will get Rs.175/- (fixed) till successful completion of training.

B. Knowledge of Bengali.”

(iii) After above said 42nd amendment of the Constitution, the National Council for Teacher Education Act, 1993 (for short ‘NCTE Act’) was brought into force w.e.f. 01.07.1995 to provide for the establishment of a National Council for Teacher Education with a view to achieving planned and coordinated development for the teacher education system throughout the country, the regulation and proper maintenance of norms and standards in teacher education system. Further, the subject matter of ‘qualification of the school teachers’ were incorporated in the preamble of the Act by Amending Act No.18 of 2011 w.e.f. 01.06.2012. Prior to such Amendment of 2011, NCTE had the advisory power as per provision of Sections 12 and 32 of the Act, to lay down guidelines in respect of minimum qualifications for a person to be employed as a teacher in school or in recognized institution.

(iv) On the strength of above said provisions, the NCTE issued notification dated 03.09.2001 by way of Regulations prescribing qualification for recruitment of teachers in all formal schools established, run or aided or recognized by Central or State Government and other authorities for imparting education at elementary (primary and upper primary/middle school), secondary and senior secondary stages and followings were the prescribed minimum academic and professional qualification for such recruitment:

LEVEL	MINIMUM ACADEMIC AND PROFESSIONAL QUALIFICATIONS
I Elementary a. Primary	i. Senior Secondary School certificate or Intermediate or its equivalent; and ii. Diploma or certificate in basic teachers' training of a duration of not less than two years. OR Bachelor of Elementary Education (B.El.Ed.)
b. Upper Primary	i. Senior Secondary School certificate or Intermediate or its equivalent; and ii. Diploma or certificate in elementary teachers training of a duration of not less than two years. OR Bachelor of Elementary Education (B.El.Ed.) OR Graduate with Bachelor of Education (B.Ed.) or its equivalent.

By regulation No.4 of said Regulation, the State Governments were asked for modifying their recruitment rules within a period of three years so as to bring them in conformity with the qualifications as prescribed in said Regulation and **meanwhile the teachers appointed as per existing recruitment qualifications, subsequent to the issue of said Regulations were asked to acquire such qualifications as prescribed in said Regulations.** As submitted before us from the side of appellants, in terms of said regulations, the Recruitment Rules of Tripura were not modified or changed and the State continued with it's own recruitment Rules.

(v) By 86th Amendment Act of 2002 w.e.f. 01.04.2010, Article 21-A was inserted in Part III of the Constitution making free and compulsory education to all children of the age group of 6 to 14 years as fundamental right.

(vi) At the same time, the Right of Children to Free and Compulsory Education Act, 2009 was brought into force w.e.f. 01.04.2010 where, in the provision of Section 23 it was envisaged that any person possessing such minimum qualifications, as laid down by an academic authority, authorized by the Central Government, by notification, shall be eligible for appointment as a teacher. It was also provided that a teacher who, at the commencement of this Act, did not possess minimum qualifications as prescribed by said academic authority, shall acquire such minimum qualifications within a period of five years, with further amendment of said provision in 2015 that every teacher appointed or in position as on the 31st March, 2015, who did not possess such minimum qualifications, should acquire the same within a period of four years from the date of commencement of the Right of Children to Free and Compulsory Education (Amendment) Act, 2017.

(vii) The NCTE, thereafter, in terms of provisions of Section 23 of Act of 2009, issued another notification dated 23.08.2010 prescribing again the minimum qualifications for appointment as a teacher in Class I to Class VIII in a school as defined in Section 2(n) of Right of Children to Free and Compulsory Education Act, 2009 and by said notification passing of Teachers Eligibility Test (for short-TET) was for the first time introduced as one of the criteria for such appointment.

(viii) Again in 29.07.2011 another notification was issued by NCTE by amending said notification dated 23.08.2010 regarding such minimum qualifications and by said notification, the Para 5 of previous notification of 23.08.2010 was also amended which will be discussed in relevant part of the judgment later on.

(ix) The amending Act 18 of 2011 w.e.f. 01.06.2012 was, thereafter, passed by way of incorporating Section 12-A in NCTE Act, 1993 giving power to the Council for framing regulations determining the qualifications of persons for being recruited as teachers in any pre-primary, primary, upper primary, secondary, senior secondary or intermediate school or college which are run, aided or recognized by the Central Government or a State Government or a local authority or other authority. However, said provision also envisaged that it shall not adversely affect the continuance of any person recruited in any such schools or colleges, under any rule, regulation or order made by the Central Government, a State Government, a local or other authority, immediately before the commencement of said NCTE (Amendment) Act, 2011 solely on the ground of non-fulfillment of such qualifications as may be specified by the Council, with further stipulation that minimum qualifications of a teacher as referred above shall be acquired within a period specified in the Act or under the Right of Children to Free and Compulsory Education Act, 2009. By said amending Act, Section 32 of the Act was also amended in the similar line by incorporating another clause (dd) therein.

(x) The Government of Tripura in Education (School) Department issued Notification vide No.F.3(C-13) SE-E(GL)2013 dated 24.11.2014 framing “Recruitment Rules,2014” regarding recruitment to the post of Under Graduate Teachers (For Class I-V) . On the same date, another Recruitment Rules with same name “Recruitment Rules, 2014” was also published vide No.F.3(C-13) SE-E (GL) 2013 for recruitment to the post of Graduate Teachers (For Class VI- VIII). In both the said Rules, **TET was introduced for the first time in Tripura.**

(xi) Finally vide Notification bearing No.F.12(1207)-SE/LA/2015(L-2)/9193-9261 dated 30.09.2021 of the State Project Directorate, Samagra Shiksha, Govt. of Tripura, the impugned Scheme was introduced.

[6]

Submission of the parties:

i. Ms. Kiran Suri, learned senior counsel in her opening phase of argument referred relevant provisions of NCTE Act, 1993 regarding functioning of the Council. In this regard, learned senior counsel also referred a decision of Hon'ble Supreme Court (2-Judge Bench) in case of ***Basic Education Board, U.P. vs. Upendra Rai and others, (2008) 3 SCC 432*** wherein at Para 22 it was observed that the word "institution" was defined in Section 2(e) of the NCTE Act, 1993 to mean an institution which offers courses or training in teachers' education and the NCTE Act did not deal with the ordinarily educational institutions like primary schools, high schools, intermediate college or university. It was also observed in Para 19 that it had nothing to do with the ordinary educational institutions. On that point she also referred another decision of Hon'ble Supreme Court (2-Judge Bench) rendered in ***Irrigineni Venkata Krishna and others vs. Government of Andhra Pradesh and another, (2010) 15 SCC 319*** wherein Hon'ble Bench differed with the above said observations in ***Upendra Rai's*** case and referred the matter to 3-Judge Bench. One of the point as formulated for decision by larger Bench also was whether regulations framed under Section 32(2)(d)(i) read with Section 12(d) of 1993 Act by the National Council for Teacher Education laying down qualifications for employment of teachers was binding on the State Government or not. According to Ms. Suri, learned senior counsel, the matter has now become infructuous due to amendment of Act of 1993 by Amending Act No.18 of 2011 (w.e.f. 01.06.2012).

ii. Ms. Suri, learned senior counsel took us to the notification dated 07.10.1970 and 26.01.1971 of Education Department, Govt. of Tripura as indicated earlier and referring to the provision 23 of RTE Act, 2009 read with the provisions of Section 12 and 12-A of NCTE Act, 1993, submitted that as per Section 23 of RTE Act, 2009, where a State did not have adequate institutions offering courses or training in

teachers' education, or teachers possessing minimum qualifications as laid down under sub-section (1) of Section 23 were not available in sufficient numbers, the Central Govt. could, if it deemed necessary, by notification, relax the prescribed minimum qualifications for certain period. Learned senior counsel also argued that any notification could not over ride the statutory provisions. Learned senior counsel further referred the 224th report of Parliamentary Standing Committee on Human Resource Development in respect of NCTE (Amendment) Bill, 2010 regarding basic objects of proposed amendment for insertion of Section 12-A of the Act to empower the Council to determine the minimum qualifications for appointment as teachers of school by framing regulations and proviso to that section clearly safeguarded the interest of the serving teachers by providing that it should not adversely affect the continuance of such teachers.

iii. Referring to the Regulations of 2001, Ms. Suri, learned senior counsel also argued that the scope for modification of existing recruitment rules of respective State Governments within a period of 3 years in the line of said Regulation, was provided in that regulation itself and it was also further provided that the teachers already appointed as per the existing recruitment qualifications would be required to acquire qualifications as prescribed in the schedules of the said regulations only and TET therefore could not be insisted upon by the State.

iv. Referring to para 4 of Notification dated 23.08.2010 of NCTE, learned senior counsel argued that the teachers appointed for Classes I-VIII on or after 03.09.2001 did not require to acquire the minimum qualification as prescribed therein, and therefore when said notification of 2010 itself exempted acquiring of qualification embodied therein, the petitioners could not be insisted to qualify the TET examination which was a creation following the notification of 2010.

v. Ms. Suri, learned senior counsel took us to the Notification dated 18.06.2012 of MHRD whereby the Central Government granted relaxation in respect of Tripura upto 31.03.2015 regarding obtaining of minimum qualification as notified by the NCTE on 23.08.2010, viz 02 year Diploma in Elementary Education for appointment of a teacher in classes I to VIII, and 01 year Bachelors in Education for appointment of a teacher in classes VI to VIII till 31.03.2015, subject to certain other conditions. Learned senior counsel also referred to another letter dated 20.08.2013 of the Government of Tripura addressed to the Ministry of HRD seeking relaxation in respect of educational qualification for recruitment of primary teachers and the reply of the Central Government dated 05.09.2013 thereto, wherein it was noted that **for the candidates who had to be appointed based on advertisements and selection process initiated prior to 23.08.2010, passing of TET was not required.**

vi. Ms. Suri, learned senior counsel also referred to the minutes of the 137th meeting of the Project Approval Board (for short-PAB) dated 08.03.2010 for the State of Tripura wherein data of untrained teacher at primary level and upper primary level in the State and steps to be taken for filling up the teachers vacancy were reflected and discussed. Learned senior counsel also referred to another letter dated 08.05.2013 of NCTE to the Government of Tripura according approval to conduct D.El.Ed programme through ODL mode by IGNOU for 11,884 untrained teachers who were working in the Govt. Schools along with 18 months course for those untrained in-service teachers who had already done 6 months course from IGNOU.

vii. Learned senior counsel further relied on minutes of 204th PAB meeting dated 20.02.2014 of MHRD, Department of School Education and Literacy, for approval of annual work plan and budget of SSA Tripura wherein it was reflected that no T-TET was conducted as on that date and in fact, 4456 teachers were recruited without T-TET. The stand of the State Government in this regard was that process of

recruitment was initiated far way back in 2002 which was ultimately completed in 2012 and therefore, those teachers were recruited without T-TET. PAB in this regard asked the State Government to submit response in writing clearly articulating that the recruitment process was initiated before the RTE Act came into effect.

viii. Learned senior counsel further referred to a letter dated 19.08.2017 of Education (School) Department, Govt. of Tripura whereby all in service untrained teachers were asked to acquire the minimum academic and professional qualification as prescribed by NCTE by 31.03.2019 and according to Ms. Suri, there was also no mention of qualifying any TET by said teachers. Learned senior counsel also submitted that all the petitioners acquired the professional qualifications before the said cut-off date. Ld. Sr. Counsel also relied on different observations made in said *Sajal Deb (1st case)* and *Snehangshu Das Case* (supra).

ix. Ms. Suri, learned senior counsel also relied on a decision of Single Bench of Allahabad High Court in *Mithai Lal and others vs. State of U.P. and others [2011 SCC Online All 1793]*. In that case, after taking note of NCTE (Recognition, Norms and Procedure) Regulation, 2009, it was observed that the candidates who had in their credit at least two years teaching experience in a government or government recognized Primary Elementary Schools, were granted admission to the two years B.Ed. course by distance mode and the persons who had been appointed as teachers were not required to under take the UP-TET under notification dated 23.08.2010.

x. Ms. Suri, learned senior counsel further referred another decision of Madras High Court (Single Bench) in *M. Maharani vs. State of Tamil Nadu Rep. by its Secretary Department of School Education and others [2019 SCCOnline Mad 39258]* wherein similar observations were made in the following terms:

“18..... As per the said NCTE Regulations 2001, there is no qualification prescribed with regard to possession of TET

certificate, for appointment to the post of B.T. Assistant and Secondary Grade Teachers. The qualification of passing TET was first introduced by the notification dated 23.08.2010 and it was amended vide notification dated 27.09.2011. Thus it could be inferred that the cut off date for acquiring the TET qualification is 27.09 2011 and the teachers, who were appointed prior to that date need not pass TET and even in the case of the teachers who were appointed after that date, if the advertisement to initiate the process of appointment of teachers was made prior to that date, then, their appointments also can be in accordance with the NCTE Regulations 2001 and they need not acquire the TET qualification.”

Said decision was also maintained in another decision of the Madras High Court in *S. Esakkiammal vs. State of Tamil Nadu, Rep., by its Secretary, Department of School Education and others* [2020 SCC Online Mad 10161], as relied on by Ms. Suri, Ld. Sr. Counsel.

xi. Mr. Somik Deb, learned senior counsel in addition to the submissions made by Ms. Suri, argued that TET was not a qualification, either academic or professional, rather it was an entrance test and therefore, under the pretext of the word ‘qualification’, State could not insist for passing TET by the petitioners.

xii. Mr. Deb, learned senior counsel also contended that the petitioners were appointed under State Government’s own rules who had the competence under the Constitution of India to frame such Rules and therefore, perseverance to acquire qualifications under the notification of NCTE of 23.08.2010, more particularly the TET, was unconstitutional. According to him, the petitioners having been recruited under the old Recruitment Rules could not be compelled to be guided by new Rules framed later on. He also relied on the relevant observations of *Snehangshu Das Case* as quoted earlier. Referring to the provisions of Section 12A of NCTE Act, 1993, learned senior counsel contended that said provision was incorporated by Amending Act of 2011 w.e.f. 01.06.2012 and therefore, prior to that date NCTE had no legislative competence to make rules governing the recruitment of teachers with binding effects and therefore,

from that view point also, qualifying of TET examination was not required in the cases of the petitioners.

xiii. Learned senior counsel referred a letter of NCTE dated 18.03.2014 addressed to Government of Uttar Pradesh wherein it was noted that the untrained in-service teachers appointed prior to 23.08.2010 were covered under the categories mentioned in Clause 4 and 5 of notification dated 23.08.2010 and therefore, they were required to acquire only the professional qualifications in consonance with the NCTE Regulation of 2010. So, TET should not be insisted on such category of untrained in service teacher. Learned senior counsel also in this context referred the said communication dated 05.09.2013 of HRD, Govt. of India.

xiv. In support of his submission that subsequent change in the recruitment Rules would not have any bearing on a selection already made under a pre-amended recruitment Rules, Mr. Deb, learned senior counsel relied on two decisions of Hon'ble Supreme Court reported in *N.T. Devin Katti and others vs. Karnataka Public Service Commission and others*, (1990) 3 SCC 157 [Para 11] and *Chandraprakash Madhavrao Dadwa and others vs. Union of India and others*, (1998) 8 SCC 154 [Para 50(10)]. The relevant observations of *N.T. Devin (supra)* is as follows:

“11. There is yet another aspect of the question. Where advertisement is issued inviting applications for direct recruitment to a category of posts, and the advertisement expressly states that selection shall be made in accordance with the existing rules or government orders, and if it further indicates the extent of reservations in favour of various categories, the selection of candidates in such a case must be made in accordance with the then existing rules and government orders. Candidates who apply, and undergo written or viva voce test acquire vested right for being considered for selection in accordance with the terms and conditions contained in the advertisement, unless the advertisement itself indicates a contrary intention. Generally, a candidate has right to be considered in accordance with the terms and conditions set out in the advertisement as his right crystallises on the date of publication of advertisement, however he has no absolute right in the matter. If the recruitment Rules are amended retrospectively during the pendency of selection, in that event selection must be held in accordance with the amended Rules.

Whether the Rules have retrospective effect or not, primarily depends upon the language of the Rules and its construction to ascertain the legislative intent. The legislative intent is ascertained either by express provision or by necessary implication; if the amended Rules are not retrospective in nature the selection must be regulated in accordance with the rules and orders which were in force on the date of advertisement.....”

In *Chandraprakash Madhavrao (supra)*, at para 50(10), taking note of involved facts of said case, the Apex Court observed that the change in the essential qualification made in 1990 or 1998 or the additional functions now required to be performed by the appellants could not retrospectively affect the initial recruitment of the appellants as Data Processing Assistants nor their confirmation in 1989. Recruitment qualifications could not be altered or applied with retrospective effect so as to deprive the recruitees of their right to the posts to which they were recruited nor could it affect their confirmations.

xv. Mr. Deb also extended his submissions that section 2(ka) of NCTE Act, 1993 by its amendment w.e.f. 01.06.2012 included the definition of ‘School’ in the Act by incorporating the Schools where the present petitioner were teaching the students and therefore, NCTE derived the authority to lay down rules regarding minimum qualification of teachers for appointment in this category of Schools only with effect from 2012 whereas, the State Government having the competency to frame Rules under Art.309 of the Constitution recruited the petitioner as per their own Rules which could not be disturbed or modified so far the present petitioners were concerned. Referring to definition of ‘teacher education’ and ‘teacher education qualification’ as given in section 2(l) and (m) of Act of 1993, Mr. Deb, Ld. Sr. Counsel also argued that no where in these definitions, any qualification like TET was included and therefore, in view of above, TET cannot/could not be treated as a qualification as prescribed under said Act. NCTE therefore did not have the legislative competence under the rule of Subordinate Legislation to incorporate TET as one of the criteria or qualification for teacher’s appointment.

xvi. Both Ms. Suri and Mr. Deb, also contended that the matter of regularization was already ordered by this Court in *Sajal Deb (1st case)* and just because the Court granted a scope to the State to frame a Scheme in this regard providing **further** (*emphasis laid by Ld. Counsel*) terms and conditions for such regularization, the State had no authority to frame the Scheme in such a manner by incorporating new conditions so as to deprive the petitioners from regularization in service.

xvii. Finally, Mr. Somik Deb, learned senior counsel also relied on the following decisions of the Apex Court and the relevant paragraphs as referred by him are extracted below. In his written note, Mr. Deb also noted some other decisions but during oral submissions he did not make any reference of the same.

a) *Dr. Preeti Srivastava and another vs. State of M.P. and others, (1999) 7 SCC 120 :*

“39. The respondents have emphasised the observation that admission has to be made by those who are in control of the colleges. But, the question is, on what basis? Admissions must be made on a basis which is consistent with the standards laid down by a statute or regulation framed by the Central Government in the exercise of its powers under Entry 66 List I. At times, in some of the judgments, the words “eligibility” and “qualification” have been used interchangeably, and in some cases a distinction has been made between the two words — “eligibility” connoting the minimum criteria for selection that may be laid down by the University Act or any Central statute, while “qualifications” connoting the additional norms laid down by the colleges or by the State. In every case the minimum standards as laid down by the Central statute or under it, have to be complied with by the State while making admissions. It may, in addition, lay down other additional norms for admission or regulate admissions in the exercise of its powers under Entry 25 List III in a manner not inconsistent with or in a manner which does not dilute the criteria so laid down.”

b) *Shree Bhagwati Steel Rolling Mills vs. Commissioner of Central Excise and another, (2016) 3 SCC 643 :*

“29. It would be seen that Shri Aggarwal is on firm ground because this Court has specifically stated that rules or regulations which are in the nature of subordinate legislation which are ultra vires are bound to be ignored by the courts when the question of their enforcement arises and the mere fact that there is no specific relief sought for to strike down or declare them ultra vires would not stand in the court's way of not enforcing them.....”

c) *Ram Sharan Maurya and others vs. State of U.P. and others, (2021) 15 SCC 401:*

“46. By Notification dated 31-3-2010, the Central Government, in exercise of powers conferred under Section 23 of the RTE Act authorised the NCTE as an “Academic Authority” to lay down the minimum qualifications for a person to be eligible for appointment as a teacher. The Notification dated 28-6-2018 issued by the NCTE was in exercise of power so conferred upon it by virtue of the Notification dated 31-3-2010. In terms of the Notification dated 28-6-2018, the qualification of “Bachelor of Education” from any NCTE recognised institution shall now be a valid qualification for appointment as a teacher in Classes I to V provided the person so appointed as a teacher mandatorily undergoes six months' Bridge Course in elementary education within two years of such appointment.

47. Going by the Parliamentary intent in empowering NCTE under the provisions of the NCTE Act and specific authorisation in favour of NCTE under said Notification dated 31-3-2010, the authority of NCTE is beyond any doubt. Though there is no specific regulation as contemplated under Section 32 read with Sections 12 and 12-A of the NCTE Act, for the present purposes by virtue of the specific authorisation under the Notification dated 31-3-2010, NCTE was entitled to lay down that those holding the qualification of “Bachelor of Education” as detailed in said Notification are entitled to be appointed as teachers for Classes I to V. Such prescription on part of the NCTE would be binding. It is for this reason that G.O. dated 1-12-2018 notifying ATRE 2019 clearly stated that the candidates possessing minimum qualifications specified in notifications issued by the NCTE including one dated 28-6-2018 were entitled to participate in ATRE 2019.”

d) The Director of School Education and others vs. M. Velayutham and another (WA No.313 of 2022 with some other writ appeals on 02.06.2023):

In these cases Madras High Court, inter alia, held as follows:

“74.....

- (a) Any teacher appointed as Secondary Grade Teacher or Graduate Teacher/BT Assistant prior to 29.07.2011 shall continue in service and also receive increments and incentives, even if they do not possess/acquire a pass in TET. At the same time, for future promotional prospects like promotion from secondary grade teacher to B.T. Assistant as well as for promotion to Headmasters, etc., irrespective of their dates of original appointment, they must necessarily possess TET, failing which they will not be eligible for promotion.
- (b) Any appointment made to the post of Secondary Grade Teacher after 29.07.2011 must necessarily possess TET.
- (c) Any appointment made to Graduate Teacher/BT Assistant, after 29.07.2011, whether by direct recruitment or promotion from the post of Secondary Grade Teacher, or transfer, must necessarily possess TET.
.....”

xviii. Mr. T.D. Majumder, learned senior counsel, Mr. Sankar Lodh, Ld.

Counsel also argued in similar line as was argued by Ms. Suri, learned senior counsel.

xix. Mr. P. Roy Barman, learned senior counsel also similarly relied on the decision of this Court rendered in said *Sajal Deb (1st Case)* and submitted that said decision had already resolved all the related controversies in respect of regularization of

the petitioners and the State had also accepted the said judgment and therefore, they were barred from going beyond what was decided in the said judgment. Learned senior counsel further contended that the petitioners of WA No.81 of 2023 and WA No.83 of 2023 were at their fag end of career and they should not be insisted to qualify the T-TET. When the NCTE itself repeatedly confirmed that TET was not required for those who were recruited prior to 23.08.2010 or whose recruitment processes were initiated prior to that date, Mr. Roy Barman argued, framing of impugned scheme compelling those recruitees to qualify T-TET was completely unreasonable, unjustified and arbitrary. Learned senior counsel also referred different paragraphs of counter affidavit of Union of India submitted in connection with the matter related to WA No.81 of 2023. Finally, learned senior counsel argued that when the petitioners possessed both educational and professional qualifications, their services ought to have been regularized long ago.

xx. Mr. S.S. Dey, learned Advocate General for the State Respondents also submitted one written note and argued that in many of the writ petitions, sufficient particulars of the petitioners were not disclosed so as to give rise to any valid cause of action. He gave emphasis on the Regulation of 2010 that exemption clause borne therein were only meant for those persons who were appointed in accordance with the Regulation of 2001 and the persons who were not appointed as per said Regulation of 2001 could not enjoy such exemption clause. In *Snehangshu Das' case*, learned Advocate General continued, ratio was confined only to the question of entitlement of regular pay scale on completion of 5 years of service in respect of the teachers who were initially appointed on fixed pay basis and even in *Raju Nama's case*, it was held that the qualification of D.El.Ed. was required to undertake TET course and nowhere in both the judgments, the Court directed to regularize services of teachers without qualifying TET. Regarding *Sajal Deb (1st case)*, according to learned Advocate

General, there was also no direction for extending the benefit of exemption clause for not acquiring TET qualification to those teachers who had acquired necessary qualifications as per 2001 notification without TET.

xxi. Learned Advocate General also contended that prayer for exemption of passing TET was against the very ethos of the right of citizens to receive the quality education in terms of Article 21-A of the Constitution and formulation of the impugned scheme was in no way in violation of ratio of *Sajal Deb (1st case)*. According to him, the impugned scheme was formulated based on a regulation which was the creation of a statute and none could rewrite the same and TET was mandatory which the State could not bypass and moreover, keeping in mind the interest of the petitioners, sufficient scope was given to them to qualify TET. According to him, the impugned judgment was a well reasoned one, not susceptible for any interference by the Appellate Court.

xxii. Mr. B. Majumder, learned Dy. SGI argued that NCTE notification of 2010 and subsequent communications made thereunder, clearly stipulated that passing of TET was *sine qua non* for appointment in the post of teacher and Communication dated 18.06.2012 only relaxed the matter of professional qualification of 2 years D.El.Ed. and 1 year B.Ed.. Learned Dy. SGI also referred the counter affidavit submitted by Union of India in WP(C) No.307 of 2022 giving stress upon the notification 23.08.2010 of NCTE. He also added that to maintain uniformity in Central support for teachers salary for all States/UTs and to provide funds, the ceiling limits for support for teachers salaries was laid down under the scheme on 90:10 sharing basis for North-East States with the focus for taking initiative to improve learning outcomes and to strengthen teacher training institutions and capacity building of teachers. According to learned Dy. SGI completion of 18 months of professional course was also not sufficient for regularization in service. Finally, he relied on a decision of Apex Court in

Jaiveer Singh and others vs. State of Uttarakhand and others, 2023 SCC OnLine SC

1584 wherein followings were observed:

“44. It is thus clear that the entire scheme was for the purpose of providing a window to the in-service teachers inasmuch as unless they would have acquired requisite qualifications prior to 1st April 2019, they could not have continued to remain in service and would have faced dismissal from service. As such, we find that the High Court has erred in holding that the 18 months Diploma conducted by NIOS through ODL mode is equivalent to 2 years Diploma as provided in the notifications of NCTE dated 23rd August 2010 and 29th July 2011.

45. In the impugned judgment and order, the High Court has relied on the judgments of the High Court of Patna in the case of *Sanjay Kumar Yadav* (supra) and High Court of Tripura in the case of *Sri Raju Nama* (supra). It is to be noted that, in the judgment of the High Court of Patna, though a reference has been made to the communication addressed by NCTE to the Additional Chief Secretary, Bihar, it brushed aside the said communication on the ground that it is nowhere mentioned that the said course cannot be treated at par with the 2 years training course. In the absence of a specific order of NCTE granting equivalence to the 18 months course with the 2 years course, in our view, the High Court has totally erred in finding that since the said communication does not mention non-equivalence, it would be deemed to be equivalent.

46. We find that the High Court of Patna has totally erred in not giving effect to the stand of NCTE. **As a matter of fact, we fail to understand as to why NCTE did not challenge the said order when its specific stand that the said 18 months course was only for in-service candidates and not applicable to fresh ones was rejected by the High Court.** We also fail to understand as to why vide communication dated 6th January, 2021, NCTE decided to accept the said judgment of the High Court of Patna.

47. Insofar as the High Court of Tripura is concerned, it again relies on the judgment of the High Court of Patna in the case of *Sanjay Kumar Yadav* (supra). We therefore find that the views taken by both the High Court of Patna and the High Court of Tripura were not correct in law.”

Analysis and decisions:

[7] From **the Statement of objects and reason**, it appears that NCTE Act, 1993 was introduced to provide statutory powers to the NCTE with the objective of determination, maintenance and coordination of standards in teacher education laying down norms and guidelines for various courses, promotion of innovation in the field and

establishment of a suitable system of continuing education of teachers. However, by Amendment of 2011 (w.e.f. 01.06.2012) NCTE derived the authority to determine and to enforce the minimum standards of education of School teachers by determining their qualifications for the purpose of recruitment in different categories of schools. By said amendment, in the preamble of the Act, the words 'including qualifications of school teachers' were also notably inserted.

[8] Prior to said Amendment of 2011, by virtue of provisions of Section 12(d) and 32(2)(d)(i) of the Act of 1993, the NCTE made said Regulations of 2001 on 03.09.2001 prescribing minimum qualification for recruitment of teachers in all formal schools established, run or aided or recognized by Central or State Government or other authorities. In said regulation, it was stipulated that the existing recruitment rules of the concerned authorities might be modified within a period of three years therefrom, so as to bring them in conformity with the qualifications prescribed in said regulation and the teachers appointed meanwhile, as per said existing recruitment qualifications, were insisted to acquire qualifications as prescribed in the schedules of said regulation.

[9] Nothing has been placed before us to show that the State of Tripura made necessary modification in the existing recruitment Rules of 1970 or 1971 in conformity with said regulation. In respect of one application submitted under RTI Act, 2005 by one of the appellant namely, Sri Sajal Deb, information was supplied to the State Information Officer from the Directorate of Secondary Education vide letter dated 10.02.2022 that the teachers who were appointed during the period from 2002 to 2012, were as per the Recruitment Rules of 1971. Thus, it is visible that the State continued to recruit teachers in Tripura with the Recruitment Rules either of 1970 or of 1971 without any sort of such modification or amendment in terms of said Regulations of 2001.

[10] In said Regulations of 2001, the concept of TET examination was not introduced. After the RTE Act, 2009 came into force w.e.f. 01.04.2010, by virtue of Section 23(1) of Act of 2009, NCTE on 23.08.2010 issued another notification under Section 23(1) of RTE Act, as discussed earlier, laying down the minimum qualifications for a person to be eligible for appointment as a teacher in Class I to VIII in the schools. In said notification, for the first time, TET was introduced. It was also clarified in para 4 of said notification that following categories of teachers appointed for classes I to VIII prior to the date of said issuance of regulation need not acquire the minimum qualification as prescribed therein:

(a) A teacher appointed on or after the 3rd September, 2001 i.e. the date on which the NCTE (Determination of Minimum Qualifications for Recruitment of Teachers in Schools) Regulations, 2001 (as amended from time to time) came into force, in accordance with that Regulation.

Provided that a teacher of class I to V possessing B. Ed qualification, or a teacher possessing B. Ed (Special Education) or D. Ed (Special Education) qualification shall undergo an NCTE recognized 6 - month special programme on elementary education.

(b) A teacher of class 1 to V with B. Ed qualification who has completed a 6-month Special Basic Teacher Course (Special BTC) approved by the NCTE;

(c) A teacher appointed before the 3rd September, 2001, in accordance with the prevalent Recruitment Rules.

[11] In terms of said regulation, the teachers for classes I to VIII who were appointed on or after 03.09.2001 was exempted from acquiring such minimum qualifications as prescribed, provided they had satisfied the above said conditions. In Para no.5 of said notification, it was further noted that where an appropriate Government, or local authority or a school had already issued an advertisement to initiate the process of appointment of teachers prior to the date of said notification, such appointments were allowed to be made in accordance with Regulation of 2001. However, as discussed above, in Tripura, as teachers' recruitment was continued as per State Rules of either 1970 or 1971, the State Government did not follow the guidelines of 2001 for such recruitment. Ld. Writ Court taking note of said exemption clause of

Para 4 noted above, observed that the teachers who did not possess the requisite qualifications in terms of said Regulation of 2001 at the time of their recruitment were not exempted from acquiring qualifications as per notification of 2010 and therefore, they were required to qualify T-TET, notwithstanding the fact that as per said Regulation of 2001, there was no requirement of qualifying any such TET examination.

[12] As stated earlier, said notification of 2010 was further amended vide another notification dated 29.07.2011 where certain changes were brought in respect of minimum prescribed qualifications. Similarly, Regulation 5 of said notification of 2010 was modified in the following terms-

“5. (a) Teacher appointed after the date of this notification in certain cases:- Where an appropriate Government or local authority or a school has issued an advertisement to initiate the process of appointment of teachers prior to the date of this Notification, such appointments may be made in accordance with the NCTE (Determination of Minimum Qualifications for Recruitment of Teachers in School) Regulations, 2001 (as amended from time to time).

(b) The minimum qualifications norms referred to in this Notification apply to teachers of Languages, Social Studies, Mathematics, Science, etc. In respect of teachers for Physical Education, the minimum qualification norms for Physical Education teachers referred to in NCTE Regulation dated 3rd November, 2001 (as amended from time to time) shall be applicable. For teachers of Art Education, Craft Education, Home Science, Work Education, etc. the existing eligibility norms prescribed by the State Government and other school managements shall be applicable till such time the NCTE lays down the minimum qualifications in respect of such teachers.”

[13] On conjoint reading of both these notifications of 2010 and 2011, a common category or class of teachers emerges out who were appointed or at least whose recruitment process by way of issuing advertisement was initiated in between the period of 03.09.2001 to 29.07.2011 but whose appointment were not made strictly in accordance with the Regulation of 2001, though some of them might have possessed the required qualifications in terms of NCTE Regulation of 2001 at the time of their recruitment. In this judgment, we will be dealing with this category of primary and upper primary teachers appointed under SSA to determine whether passing of TET is

compulsory for them. This group or class of teachers will be referred as ‘*classified group of teachers*’ in the subsequent paragraphs.

[14] It also appears to us that even after Regulation of 2010 or 2011 made by the NCTE, in Tripura, no fresh Recruitment Rules was formulated in consonance with said Regulation till 24.11.2014, when for the first time, the Government of Tripura framed two separate Rules namely “Recruitment Rules, 2014” for recruitment of both under graduate teachers and graduate teachers. By Rule 7 of both the Rules, old Rules of 1970 and 1971 were repealed with a saving note that any appointment made or order issued, action taken or anything whatsoever done under the repealed Rules shall be deemed to have been made, taken or done under the corresponding provisions of these Rules. By the said new Rules, for the first time, Tripura TET (for short T-TET) was introduced in Tripura.

[15] Later on, the State Government in terms of above said judgment passed in *Sri Sajal Deb (1st case)* framed the impugned scheme for regularization of services of teachers appointed under SSA dividing them into following categories:

Category	Description	
I	SSA contract teachers who have been qualified in the Tripura Teachers’ Eligibility Test (T-TET) and have not joined as regular teachers till 23.02.2021 (i.e. date of Judgment & Order).	
II	SSA contract teachers who were appointed on or after 03.09.2001 but prior to 23.08.2010, with the minimum qualifications in accordance with NCTE (Determination of Minimum Qualifications for Recruitment of Teachers in Schools) Regulation, 2001 (as amended from time to time), at the time of recruitment.	
III		SSA contract teachers who will not be covered under the (I) and (II) of the above
	III(A)	SSA Contract teachers who as on date possess the requisite academic & professional qualifications (D.El.Ed/B.Ed) but

		have not cleared T-TET
	III(B)	SSA Contract teachers who as on date have not acquired the professional qualifications (D.El.Ed/B.Ed) and neither have cleared T-TET.
	III(C)	SSA Contract teachers who have not yet acquired the requisite academic qualifications (i.e. XIIth Pass with 50% marks) for getting admission in professional qualifications courses (D.El.Ed./B.Ed) and neither have cleared T-TET.

[16] In said impugned scheme, the contract teachers who were fully qualified in terms of RTE Act, 2009 and NCTE Regulation, 2010 were found eligible for regularization. The teachers who were recruited in terms of NCTE Regulation, 2001 were exempted from qualifying T-TET and they were also found entitled for regularization. But when the State Government did not follow the Regulations of 2001 on any occasion for recruitment of teachers as discussed earlier, it is not understandable as to why a group or class under the category No. II was incorporated in the impugned scheme. In third group, three categories were created and the first category [Category No.III(A)] consists of the teachers who on the date of publication of said scheme i.e. on 30.09.2021 possessed the requisite academic and professional qualification but have not cleared the T-TET; the category No. III(B) relates to the person who on the said date have not acquired the professional qualification and also have not cleared T-TET and; Category III(C) is meant for the SSA Contract teachers who have not yet acquired the requisite academic as well as professional qualifications and also have not cleared T-TET and for all of said three categories, passing of T-TET was made compulsory for their regularization. However, for category III(A), it was also provided that State Government would legally examine whether passing of Central TET (C-TET) by any one of said group can be treated as equivalent to clearing of T-TET, after consulting NCTE.

[17] As already mentioned above, by notification dated 29.07.2011, the NCTE specified that where an appropriate Government or local authority or a school had issued an advertisement to initiate the process of appointment of teachers prior to the date of said notification, such appointments may be made in accordance with the NCTE Regulations, 2001. Thus, NCTE already exempted from qualifying the TET examination where such process of recruitment was even initiated prior to notification of 2011. Apart therefrom, in notification of 2010 at the very outset it was mentioned that said notification will come into force with effect from the date of notification. Thus, on conjoined reading of said part of the notification of 2010 with Para 4 of said notification and amended Para 5 of notification of 2011, nothing as such is appearing that there was any intention of NCTE to give retrospective effect of said notifications of 2010 or 2011. Moreover, Section 12-A of NCTE Act, 1993 only stipulates that the teachers appointed following any rule, regulation or order made by the Central Government or State Government or a local body or any other authority before incorporation of Section 12-A shall have to acquire only the minimum qualifications as referred in the first proviso to said Section 12-A within the prescribed period. In fact, TET is neither an academic qualification nor a professional qualification. We are in agreement with the submission of Ld. Sr. Counsel, Mr. Deb that it is a test done to ascertain whether a person possesses the essential aptitude and ability to meet the challenges of teaching at primary and upper primary level, as evident from the guideline issued by NCTE for conducting TET as circulated vide letter dated 11.02.2011. Section 2(l) and 2(m) of NCTE Act, 1993 define 'teacher education' and 'teacher education qualification' and TET is not included in said definitions.

[18] Therefore, insisting of qualifying the TET (either C-TET or T-TET, as the case may be) by the State Government would be against the basic intention of

NCTE and also of the law makers as manifested in both the said notifications and also in the second proviso to section 12-A of NCTE Act of 1993.

[19] It also appears from the letter dated 20.08.2013 of Sri B. Sinha, the then Principal Secretary of Government of Tripura addressed to the Additional Secretary, Ministry of HRD, Government of India, New Delhi that the State Government was also of similar impression that qualifying TET was not applicable where the advertisement regarding processes of recruitment of primary school teachers was initiated prior to 23.08.2010 and therefore, the State Government sought relaxation only in respect of the educational qualifications as prescribed by NCTE for those primary teachers.

[20] In reply to above said letter, the Additional Secretary, Government of India, also confirmed that for the candidates who have to be appointed based on advertisements and selection process initiated prior to 23.08.2010, passing of TET was not required for them. As placed before us, in respect of an issue of similar nature, relating to the state of Uttar Pradesh, a letter was issued on 18.03.2014 by the Research Officer of NCTE to the Government of U.P. that the untrained in-service teachers appointed prior to 25.08.2010 were covered under the categories of Clause 4 and Clause 5 of notification dated 25.08.2010 and therefore, they were only to acquire the professional qualifications in consonance with the Regulation of 2001 which was in-vogue, prior to notification dated 25.08.2010 and therefore, **TET should not be insisted on such category of un-trained in-service teachers.**

[21] When a candidate, who was recruited after 23.08.2010 or 29.07.2011 based on an advertisement issued prior to said dates, was not required to qualify TET examination, it will be highly irrational, unreasonable and fallacious to think that a

person who is already recruited before said dates, is being forced to succeed TET examination for regularization of his service.

[22] Vide letter dated 03.08.2017, the Ministry of HRD issued instructions to the Secretaries of the all the States regarding the training of untrained in-service elementary teachers in the Govt./Govt. Aided/Unaided-Private Schools, and in that letter, last chance was given to acquire the requisite minimum professional qualification by 31.03.2019 and it was clarified that any teacher in the aforementioned schools, who did not have the minimum qualifications mandated under the RTE Act, 2009, would not be allowed to continue in-service beyond said date. A broad strategy to complete the training of all such in-service untrained teachers by 31.03.2019 and the action to be taken by the States/UTs were surfaced by MHRD. In said letter also, there was no whisper of qualifying TET by such untrained teachers. Following that instructions of HRD, one memorandum was issued by the State of Tripura on 19.08.2017 regarding acquisition of requisite academic and professional qualifications by untrained in-service teachers at elementary level as mandated under RTE Act, 2009 and in said letter also, there were no mention of qualifying TET examination by them.

[23] In 204th meeting of Project Approval Board (PAB) of Ministry of HRD held on 20.02.2014 regarding Tripura matter, it was discussed that no TET was conducted till the date of meeting and 4456 teachers were already recruited without TET. On that issue, the State of Tripura informed that the process of recruitment was initiated way back in 2002, which was dragged on for a decade and was completed in 2012 and therefore, the teachers were recruited without TET. In this regard, PAB asked the State to submit the response in writing clearly articulating that the recruitment process was initiated before the RTE Act came into effect. This document also exhibits similar view of the State that as the recruitment process was initiated earlier, TET was

not required and the PAB also did not urged that they should qualify TET, rather they sought for reply in writing to verify such contention.

[24] In view of above, there is no doubt that the persons who were appointed or even whose recruitment process was initiated by way of publication of advertisement by the State prior to 29.07.2011, were not required to qualify TET examination and the NCTE itself exempted them from acquiring so. The State also earlier had the similar impression. We have therefore no hesitation to hold that the persons falling under the '*classified group of teacher*' do not require to qualify TET (either C-TET or T-TET) for regularization of their service, otherwise it will amount to giving retrospective effect of notification of 2010 and of 2011 going beyond the legislative intent of the law makers as well as of NCTE as discussed earlier. But in the impugned scheme, no separate provision has been made for these category of teachers for their regularization who are not at all required to qualify TET for that purpose. State Government is, therefore, required to modify the impugned scheme accordingly for the said category of '*classified group of teacher*'. जयते

[25] The rule of prudence is that courts will be reluctant to interfere with policy decisions taken by the government. However, this does not mean that courts have to abdicate their right to scrutinize whether the policy in question is formulated keeping in mind all the relevant facts and the said policy can be held to be beyond the pale of discrimination and unreasonableness bearing in mind the materials on record.

[26] An executive order termed as a policy decision is not beyond the pale of judicial review. Whereas the superior courts may not interfere with the nitty-gritty of the policy, or substitute one by the other but it will not be correct to contend that the court shall lay its judicial hands off, when a plea is raised that the impugned decision is

a policy decision. Interference therewith, on the part of the superior court, would not be without jurisdiction as it is subject to judicial review.

[27] In the case of *Jacob Puliyel vs. Union of India*, reported in (2022) SCC Online SC 533, a challenge was made to the vaccination policy of the Government of India during the COVID period. The petitioner had highlighted the adverse consequences of emergency approval of vaccine in India and the need for transparency in publishing segregated clinical trial data of vaccines, need for disclosure of clinical data, minutes and constitution of the expert bodies and vaccine mandates in the absence of informed consent as unconstitutional. Writ petitioners had also alleged that coercive vaccination would result in interfering with the principle of informed self-determination of the Individuals, protected by Article 21 of the Constitution of India.

[28] The Apex Court in that context examined the scope of judicial review of executive decisions based on expert decisions. After a survey of the decisions on the point, the Apex Court further observed that there is no ambiguity in relation to principles of judicial review of policy decision as laid down by this court.

[29] The principles as regards interference in policy decisions of the state were discussed and formulated as under:

“21. We shall now proceed to analyse the precedents of this Court on the ambit of judicial review of public policies relating to health. It is well settled that the Courts, in exercise of their power of judicial review, do not ordinarily interfere with the policy decisions of the executive unless the policy can be faulted on grounds of mala fide, unreasonableness, arbitrariness or unfairness etc. Indeed, arbitrariness, irrationality, perversity and mala fide will render the policy unconstitutional. It is neither within the domain of the courts nor the scope of judicial review to embark upon an enquiry as to whether a particular public policy is wise or whether better public policy can be evolved. Nor are the courts inclined to strike down a policy at the behest of a petitioner merely because it has been urged that a different policy would have been fairer or wiser or more scientific or more logical. Courts do not and cannot act as appellate authorities examining the correctness, suitability and appropriateness of a policy, nor are courts advisors to the executive on matters of policy which the executive is entitled

to formulate. The scope of judicial review when examining a policy of the Government is to check whether it violates the fundamental rights of the citizens or is opposed to the provisions of the Constitution, or opposed to any statutory provision or manifestly arbitrary.

22. This Court in a series of decisions has reiterated that courts should not rush in where even scientists and medical experts are careful to tread. The rule of prudence is that courts will be reluctant to interfere with policy decisions taken by the Government, in matters of public health, after collecting and analysing inputs from surveys and research. Nor will courts attempt to substitute their own views as to what is wise, safe, prudent or proper, in relation to technical issues relating to public health in preference to those formulated by persons said to possess technical expertise and rich experience. Where expertise of a complex nature is expected of the State in framing rules, the exercise of that power not demonstrated as arbitrary must be presumed to be valid as a reasonable restriction on the fundamental right of the citizen and judicial review must halt at the frontiers. The Court cannot re-weigh and substitute its notion of expedient solution. Within the wide judge-proof areas of policy and judgment open to the government, if they make mistakes, correction is not in court but elsewhere. That is the comity of constitutional jurisdictions in our jurisprudence. We cannot evolve a judicial policy on medical issues. All judicial thought, Indian and Anglo-American, on the judicial review power where rules under challenge relate to a specialised field and involve sensitive facets of public welfare, has warned courts of easy assumption of unreasonableness of subordinate legislation on the strength of half-baked studies of judicial generalists aided by the adhoc learning of counsel. However, the Court certainly is the constitutional invigilator and must act to defend the citizen in the assertion of his fundamental rights against executive tyranny draped in disciplinary power.

23. There is no doubt that this Court has held in more than one judgment that where the decision of the authority is in regard to a policy matter, this Court will not ordinarily interfere since decisions on policy matters are taken based on expert knowledge of the persons concerned and courts are normally not equipped to question the correctness of a policy decision. However, this does not mean that courts have to abdicate their right to scrutinise whether the policy in question is formulated keeping in mind all the relevant facts and the said policy can be held to be beyond the pale of discrimination or unreasonableness, bearing in mind the material on record.²¹ In *Delhi Development Authority (supra)*, this Court held that an executive order termed as a policy decision is not beyond the pale of judicial review. Whereas the superior courts may not interfere with the nitty-gritty of the policy, or substitute one by the other but it will not be correct to contend that the court shall lay its judicial hands off, when a plea is raised that the impugned decision is a policy decision. Interference therewith on the part of the superior court would not be without jurisdiction as it is subject to judicial review. It was further held therein that the policy decision is subject to judicial review on the following grounds:

- a) if it is unconstitutional;
- b) if it is de hors the provisions of the Act and the regulations;
- c) if the delegatee has acted beyond its power of delegation;
- d) if the executive policy is contrary to the statutory or a larger policy.

24. During the second wave of COVID-19 pandemic, this Court in *Distribution of Essential Supplies & Services during Pandemic (supra)*, to which one of us was a party (L Nageswara Rao, J.), dealt with issues of vaccination policy, pricing and other connected issues. While doing so, this Court held that policy-making continues to be the sole domain of the executive and the judiciary does not possess the authority or competence to assume the role of the executive. It was made clear that the Court cannot

second guess the wisdom of the executive when it chooses between two competing and efficacious policy measures. However, it continues to exercise jurisdiction to determine if the chosen policy measure conforms to the standards of reasonableness, militates against manifest arbitrariness and protects the right to life of all persons.

25. There can be no ambiguity in the principles of law relating to judicial review laid down by this Court. A perusal of the judgments referred to above would clearly show that this Court would be slow in interfering with matters of policy, especially those connected to public health. There is also no doubt that wide latitude is given to executive opinion which is based on expert advice. However, it does not mean that this Court will not look into cases where violation of fundamental rights is involved and the decision of the executive is manifestly arbitrary or unreasonable. It is true that this Court lacks the expertise to arrive at conclusions from divergent opinions of scientific issues but that does not prevent this Court from examining the issues raised in this Writ Petition, especially those that concern violation of Article 21 of the Constitution of India.”

[30] In the present context we are conscious of the scope of judicial review in policy matters. However, this does not mean that this court has to abdicate its right to scrutinize whether the policy in question was formulated keeping in mind all the relevant facts and the said policy can be held to be beyond the pale of discrimination or unreasonableness bearing in mind the materials on record.

[31] Viewed in this light, the background facts and circumstances, the regulations and notifications of the NCTE, the correspondences undertaken between the Government of Tripura, the NCTE, and the Central Government, the mandate of the RTE Act, 2009 and the amendment to the NCTE Act, introduced in the year 2012 in Section 12A in 2012 as discussed above, we are of the considered view that the instant regularization policy failed to keep in mind the relevant facts and legal consequences arising therefrom in respect of a broad category of teachers, named as ‘classified group of teachers’, who were appointed or at least whose recruitment process by way of issuing advertisement, was initiated in between the period of 3rd September, 2001 to 29th July, 2001 but whose appointment were not made strictly in accordance with the regulations of 2001.

[32] It cannot be overlooked that the notification dated 30th September, 2021 were issued in compliance of the judgment rendered by this court in the case of Sri Sajal Deb (supra) for regularization of teachers appointed under SSA. Upon scrutiny of the regularization scheme dated 30.09.2021 in the light of the discussion made hereinabove, it is but evident that it has failed to keep in mind the relevant factor that this 'classified group of teachers' were not required to pass the TET exam as never such an intention flew from the notifications dated 23rd August, 2010 or 29th July, 2011 and the voluminous material of correspondences between the Government of Tripura and the NCTE and the Central Government as well as the consistent stand of the Government of Tripura projected through such correspondences.

[33] It is in this light that we have arrived at a considered opinion that the regularization scheme dated 30.09.2021 requires a revisit to make provisions for this category of 'classified group of teachers'. In that way, this regularization scheme dated 30.09.2021 failed to follow the spirit of the directions passed by this Court in the case of Sri Sajal Deb (supra). The import of the said judgment has been further elaborated in the later part of this judgment.

[34] In *M. Maharani (supra)* in similar circumstances it was observed by Madras High Court that cut off date for acquiring TET qualification was 29.07.2011 and the teachers, who were appointed prior to that date did not require to pass TET. Even in the case of the teachers who were appointed after that date, if advertisement to initiate the process of appointment was made prior to said date, they were also not required to qualify TET. Said view was again reiterated by Madras High Court in *S. Essakkiammal (supra)*. Mr. Somik Deb, learned senior counsel also relied on a recent decision of Madras High Court in the case of *The Director of School Education and others vs. M. Velayutham (WA No.313 of 2022 decided analogously with other writ appeals and*

writ petitions on 02.06.2023) wherein same principle was also maintained that any teacher appointed as Secondary Grade Teacher or Graduate Teacher/BT Assistant prior to 29.07.2011 shall continue in service and also receive increments and incentives, even if they did not possess/acquire a pass in TET.

[35] Ld. Writ Court also gave emphasis on the notification dated 18.06.2012 of MHRD, Government of India while dealing with the issues in the impugned judgment, but in our view, said notification was basically in respect of appointments of teachers in pursuance of the Notification of 2010 unlike the *classified group of teachers* in whose case, according to us, said notification had no applicability so far passing of TET is concerned.

[36] In *Sajal Deb (1st Case)*, the matter of regularization of Sajal Deb and similarly situated SSA teachers came before the Court wherein the State Government opposed such prayer of regularization mainly on three grounds viz i) absence of sanction post, ii) many of the petitioners were not qualified and iii) SSA scheme being Central Scheme, if withdrawn on any occasion by the Govt. of India, the entire financial burden would fall upon the State. This Court in said case was not convinced with such oppositions and finally decided that the petitioners must receive the remuneration in regular scale of pay as assigned to the primary/upper primary regular teachers, after completion of 5 years of service of the petitioners, with notional fixation of pay and actual payment of arrear was directed to be made from the date of judgment. It was also decided that the petitioners would have a right to be regularized after 10 years of continuous service and State Government was given a liberty to frame necessary scheme for that purpose incorporating further terms and consideration for such regularization. In view of above said observations, the State framed the impugned scheme. The scheme, as

discussed above, did not take into account the relevant fact of non-requirement of passing of TET by the '*classified group of teachers*'.

Conclusion:

[37] For the reasons as discussed above, we are of the view that the SSA teachers who were appointed or at least whose recruitment process by way of issuing advertisement was initiated in between the period of 03.09.2001 to 29.07.2011 but whose appointment might not have been done or the recruitment process might not have been initiated strictly in accordance with the Regulation of NCTE of 2001 i.e. the *classified group of teachers*, are not required and cannot be insisted upon to qualify TET (either T-TET or C-TET) for their regularization in the service. The State Government is hereby directed to revisit their scheme dated 30.09.2021 accordingly and to consider making necessary provisions in the impugned scheme for regularization of above said *classified group of teachers* in whose case, passing of TET is not necessary. However, the appropriate authority of the State Government will verify individual particulars of every petitioner or of similarly situated persons who are within the said *classified group* as to whether they possess or have obtained such academic and professional qualifications in terms of Regulation of 2001 or any amendment done or order made thereupon, within the stipulated period as specified in Section 23 of RTE Act, 2009 as amended vide Act No.24 of 2017 (w.e.f. 1.4.2015) and the related NCTE guidelines.

[38] The State Respondents shall thereafter take necessary steps for regularization of such eligible SSA teachers in their service.

[39] The exercise of revisiting or modification of the impugned Scheme shall be done within 03 months from the date of receipt of copy of this judgment

and the process of scrutiny of individual particulars and regularization of the eligible teachers in service shall be done within next three months thereafter.

[40] The impugned judgment is accordingly interfered with and set aside.

All the writ appeals are accordingly disposed of in the above said terms.

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

(S.D. PURKAYASTHA, J)

(APARESH KUMAR SINGH, CJ)



Rudradeep

RUDRADEEP BANERJEE

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