

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.410 of 2024

Smt. Anima Debnath, W/O: Sri Shyamal Patari, Sarashima, South Tripura, Tripura-799155.

....Petitioner(s)

Versus

- 1. The State of Tripura**, to be represented by the Secretary, PWD (R & B), Govt. of Tripura, New Capital Complex, New Secretariat Building, Agartala, West Tripura, PIN-799010.
- 2. The Secretary, Finance Department**, Govt. of Tripura, New Capital Complex, New Secretariat Building, Agartala, West Tripura, PIN-799010.
- 3. The Chief Engineer (R & B)**, Govt. of Tripura, New Capital Complex, New Secretariat Building, Agartala, West Tripura, PIN-799010.

....Respondent(s)

For the Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate Mr. P. Ray, Advocate
For the Respondent(s)	:	Mr. M. Debbarma, Addl. GA

HON'BLE MR. JUSTICE ARINDAM LODH

Order

13/09/2024

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. P. Ray, learned counsel appearing for the petitioner. Also heard Mr. M. Debbarma, learned Addl. GA appearing for the respondents-State.

By means of filing the present writ petition, the petitioner has prayed for regularization of her service in the post of Group-C w.e.f. 01.07.2008 on which date the petitioner was regularized in the post of Peon, Group-D after completion of 10 years of service as Casual Worker, Group-C.

Mr. Roy Barman, learned senior counsel for the petitioner has submitted that the petitioner was engaged as Casual Worker (Group-C) on 12.08.1992. She had passed Madhyamik Examination in the year 1994. Her service was regularized as Peon, Group-D on 01.07.2008 as per the scheme applicable at that relevant point of time. The grievance of the petitioner is that one Shibu Deb, who was similarly situated with that of the petitioner had been appointed as Group-C w.e.f. 01.01.2007 vide office order dated 29.05.2021. The plea of the petitioner is that the appointment of Sri Shibu

Deb in the post of Group-D was treated to be cancelled but, the respondents had issued an order dated 29.05.2021 under which he was appointed in the post of Group-C with retrospective effect from 01.01.2007 i.e. the date on which his service was regularized as Group-C employee despite his initial engagement as Group-D employee. The petitioner has prayed for similar reliefs as she was/is similarly situated with Sri Shibu Deb.

Mr. Debbarma, learned Addl. GA has submitted that the petitioner is not similarly situated with that of Sri Shibu Deb as she had not obtained “No Objection Certificate” (for short, NOC) prior to her appearance in Madhyamik Examination in the year 1994 while she was working as Casual Worker. On the other hand Sri Shibu Deb appeared in the Madhyamik Examination after he duly obtained “No Objection Certificate” from the competent authority.

I have considered the submissions of learned counsel appearing for the parties.

In my opinion, non-obtaining of NOC from the competent authority for appearance in Madhyamik Examination while she was discharging her duties as Casual Worker cannot be a ground to reject her claim of similar treatment with that of Sri Shibu Deb.

In view of this, I direct the respondents-State to consider the case of the petitioner for her appointment as Group-C employee in accordance with the Recruitment Rules prescribed for the post of Group-C within a period of 3(three) months from the date of receipt of a copy of this order.

Accordingly, the instant writ petition stands disposed.

JUDGE

Snigdha

SANJAY
GHOSH

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