

**HIGH COURT OF TRIPURA
AGARTALA**

WA No.79 of 2024

1. Central Agricultural University, Imphal, Manipur, Pin-795004.
2. Vice Chancellor, Central Agricultural University, Imphal, Manipur, Pin-795004.
3. The Dean, College of Fisheries, Central Agricultural University, Lenbucherra, Tripura.

(The appellant Nos. 1 & 2 are represented by appellant No.3)

..... Appellant(s)

V E R S U S

1. Dr. Vinodakumar Somashing Naik, son of Sri S.N. Naik, permanent resident of 24A, Hullur LT Muddebihal Taluk, Vijayapur District, Pin-586213, Karnataka.

Present address: Quarter No.12, Type-III, 2nd Floor, Agriculture College Quarter Complex, Opposite of Vivekananda Boys' Hostel, Lembucherra, P.S. Lefunga, Tripura West, Pin-799210.

..... Respondent(s)

2. The Union of India, represented by the Secretary, to the Department of Agriculture (DARE), Krishi Bhawan, New Delhi-110001.

..... Proforma-Respondent(s)

For Appellant(s) : Mr. B. Majumder, Deputy SGI,
Mr. S. Lodh, Advocate.

For Respondent(s) : Mr. D. Bhattacharya, Sr. Advocate,
Mr. Samar Das, Advocate.

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

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30/07/2024

The writ petition was preferred with the following prayer:

- i. Admit this petition
- ii. Issue notice upon the Respondents.
- iii. Call for the records relating to the subject matter of this case.
- iv. After hearing the parties be pleased to set aside/ Quash letter No.CAU/Reg/2641/2020; dated 13.06.2024 (Annexure-7) to the writ petition.
- v. Directing the respondents and each of them to transmit the application of the petitioner for the post of Associate Professor to the University of Agricultural Sciences, Bangalore within 02.06.2024.

[2] The learned writ Court upon hearing the parties directed the respondents who are appellants and proforma-respondent No.2 herein to issue

‘No-objection Certificate’ in favour of the petitioner/respondent No.1 herein to make him eligible for submitting application for appointment to the post of Associate Professor. It was, however, made clear that the petitioner/respondent No.1 herein may not be relieved of his present posting as Assistant Professor under the respondents before completion of 5 years. Therefore, being aggrieved, the Central Agricultural University, Imphal has preferred this appeal. Vide order dated 08.07.2024, notice was issued upon the writ petitioner-respondent No.1 and interim order was passed in favour of the appellant-Central Agricultural University.

[3] Learned counsel for the appellant had taken a preliminary objection to the maintainability of the writ petition, at the first instance, before this Court in view of the notification dated 25.10.2007 issued by the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) whereunder the Central Agricultural University, Imphal has been declared to be an organization covered under Section 14(3) of the Central Administrative Tribunals Act, 1985.

[4] Today, Mr. D. Bhattacharya, learned senior counsel for the writ petitioner on instructions seeks liberty to withdraw the writ petition in order to move before the appropriate forum i.e. the learned Central Administrative Tribunal having jurisdiction over the subject matter.

[5] Learned counsel for the appellants does not have any objection to the prayer.

[6] In view of the request made, the writ petition is dismissed as withdrawn. The impugned judgment is, accordingly, set aside. The petitioner is at

liberty to move the learned Central Administrative Tribunal having jurisdiction over the subject matter in accordance with law.

[7] Accordingly, the instant petition is disposed of. Pending application(s), if any, also stands disposed of.

(S. D. PURKAYASTHA), J **(APARESH KUMAR SINGH), CJ**

