

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 431 of 2023

Himangshu Das

---Appellant(s)

Versus

The State of Tripura and 4 Ors.

---Respondent(s)

For Appellant(s)	:	Mr. K. Nath, Advocate.
For Respondent(s)	:	Mr. M. Debbarma, Addl. GA.
Date of hearing and date of judgment and order	:	11.09.2024
Whether fit for reporting	:	No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

Heard Mr. K. Nath, learned counsel appearing for the petitioner and also heard Mr. M. Debbarma, learned Addl. GA appearing for the respondents.

[2] This is a petitioner under Article 226 of the Constitution of India seeking the following relief(s):

- (i) *Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued whereby quashing the letter, dated, 11.04.2022, issued by the Director of Secondary Education, Tripura.*
- (ii) *Issue Rule upon the Respondents to show cause as to why a writ in the nature of Mandamus and/or order/orders and/or direction/ directions of like nature shall not be issued whereby directing the Respondents to make an entry of B.Ed Degree in the service book of the Petitioner.*
- (iii) *Make the rules absolute.*
- (iv) *Call for records.*
- (v) *Pass any further order/orders as this Hon'ble High Court considered fit and proper.*

[3] It is the case of the petitioner that the petitioner is serving as PGT (Bengali) at Ram Krishna Siksha Pratisthan (RKSP), Kailashahar, Unakoti, Tripura (Grant-in-Aided School) since 21.07.2008. The petitioner has acquired two years B.Ed Degree (ODL mode) from ICFAI University, Tripura, during the academic years 2018-2019 & 2019 - 2020. The petitioner obtained his B.Ed Degree in ODL mode without hampering his regular classes. The Asstt. Headmaster & DDO, issued experience

certificate, dated, 11.01.2009, on the request of the petitioner to enable him to join B.Ed degree course of ICFAI University. In Teacher Internship Program, with all lesson plan, relating to the petitioner's two years B.Ed Degree Course, were signed by the Asstt. Headmaster & Managing Committee Secretary, Ramkrishna Siksha Pratisthan, as Mentor and Head of the Authority of the Petitioner.

[4] It is further contended by the counsel for the petitioner that on 23.09.2021, the petitioner submitted representation to the Head Master & Managing Committee Secretary. R.K Siksha Pratisthan, Kailashahar, Unakoti Tripura and requested him to made entry of acquisition of B.Ed Degree in his service book. On 06.01.2022, the petitioner submitted representation, through proper channel, to the Director of Secondary Education, Govt. of Tripura and requested him to make entry of his B.Ed Degree in his service book by issuing post NOC. The Director of Secondary Education, Tripura, vide letter, dated, 11.04.2022, informed the Secretary. Managing Committee, Ram Krishna Siksha Pratisthan, that, his proposal to record B.Ed Degree in the service book of the petitioner is regretted. Hence the petitioner has filed the instant writ petition for issuance of direction upon the Respondents to make an entry of B.Ed Degree in the service book of the Petitioner.

[5] On the contrary, Mr. M. Debbarma, learned Addl. GA, by way of filing a counter affidavit has submitted before this court that the statement made the petitioner was fake because during the period he was at the School as per the record of attendance register of the school. Moreover, examination was in the month of August then how he attended the examination because in the whole moth he was at school as per attendance register. Moreover, why he did not submit his exam routine to his authority and how he attended two places at the same time is a serious question which needs to be enquired from authorities. For this petitioner is liable to appropriate disciplinary action.

[6] It is further contended by the counsel for the respondents that the petitioner did not take any prior permission from the authority for obtaining NOC for pursuing his B.ED degree course, in his 2(two) years of B.Ed Degree (ODL Mode) from ICFAI University, Tripura during the academic year 2018-2019 & 2019-2020 nor he submitted his examination routines and took any station leave permission from the authority of any admissible leave to attend exam. Moreover, the petitioner did not submit any application to the school authority for availing leave/station leave permission etc. to attend the mandatory face to face contact session/classes at ICFAI University, Tripura. The counsel for the respondents has further prayed to dismiss the petition.

[7] Having considered the submission as advanced by the learned counsel for the parties and also having perused the record, this court is of the opinion that the petitioner has not approached this court with clean hands as he did not take any prior permission from the authority for obtaining NOC for pursuing his B.ED degree course. Moreover, the petitioner took an experience certificate from Asst. Head Master which any teacher can take from Asst. Head Master concealing his motto behind it. It appears to this court that the petitioner for his own interest has fabricated the story which cannot be trusted even after applying any conscience. Hence, this is a fit case for dismissal.

[8] With the above observation, the instant petition stands dismissed being devoid of merit. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE