

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WA. No.198 of 2021

For Appellant(s) : Mr. M. Debbarma, Addl. G.A.
For Respondent(s) : Mr. T. D. Majumder, Sr. Advocate.
Ms. K. Debbarma, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT

_O_R_D_E_R_

05.03.2024

Heard Mr. M. Debbarma, learned Addl. G.A. appearing for the appellants also heard Mr. T. D. Majumder, learned senior counsel assisted by Ms. K. Debbarma, learned counsel appearing for the respondent.

The present appeal has been filed under Chapter-VA(2)(2) of the High Court Rules, from the judgment and order dated 09.04.2021 passed in WP(C) No.706 of 2019 allowing the writ petition.

The appellants have prayed for the following reliefs:

“A. Admit appeal & call for records.

B. Pass order setting aside the judgment and order dated 09.04.2021 passed in WP(C) No.706 of 2019.

C. Pass order staying the operation of the judgment & order dated 09.04.2021 passed in WP(C) No.706 of 2019.”

The petitioners are teachers (PGT/AT) in Government Schools. In 2003, vide applications from the interested teachers of Government Secondary and Higher Secondary Schools, the petitioners had been invited for service utilization on deputation at District Institute of Education and Training [DIET, for short.] In 2004, it was decided for appointment to the post of Lecturer, DIET on contract for 37 posts (Newly created 20+ available vacancies 17.) Accordingly, 22 candidates were appointed to the post of Lecturer, DIET on a contractual basis in December 2004. 08 (Eight) of them continued to perform as Lecturer DIET on a contractual basis and finally, they were appointed to the post of Lecturer, DIET on regular basis. The three petitioners earlier filed writ petitions WP(C) No. 06/2014, WP(C) No. 722/2018, and WP(C) No. 214/2018 for their absorption as lecturers in DIET as the appointment of those 8 (eight) numbers of lecturers.

The respondents categorically denied and disputed the contentions of the petitioner by filing counter affidavit stating inter alia that the petitioner holds the post of Post Graduate Teacher and their services were placed under F. R. 11 at the disposal of the Principal, DIET, Agartala with the scale of pay and post held by them i.e. Post Graduate Teacher moreover, their placement is subject to the

condition of the Memorandum No F.3.(1- 99)DSE/2000, dated 17.07.2003 with specific term and conditions and that the petitioners may be withdrawn from DIET at any time, when their services are not required in DIET. Thus, the petitioners are bound by the foregoing terms and conditions mentioned in the memorandum. The stated eight persons have been offered to the post of Lecturer, DIETs on contract basis under F.R.11 on the recommendation of the Selection Committee against the Advertisement (ICAT-C-1940) dated, 06.02.2004. The petitioner did not apply for the post of Lecturer of DIET on contract basis as like the eight Lecturers of DIET engaged on contractual basis as the petitioner was enjoying the higher pay package of the scale of Post Graduate Teacher.

The learned Single Judge held that the petitioner is also entitled to get similar treatment as those of eight Lecturers who were absorbed under the DIET. The State-respondents were directed to send the names of the petitioners to the Council of Ministers that the Council of Ministers shall consider the case of the petitioners herein in the line of those eight contractual Lecturers exploring all possibilities, keeping in mind the DIET needs the service of all the petitioners and vacant posts still exist under DIET. That, being aggrieved by the decision of the learned Single Judge the State Respondents intended to file Writ Appeal which is a meritorious one having good grounds.

It has been submitted by both sides that during the pendency of the writ appeal the writ petitioner who was there on deputation in another department has been now repatriated to the parent department. In view of the said submission and in view of the subsequent development, nothing survives for adjudication in the present writ petition since the writ petitioner is there with the parent department. Hence, the absorption/regularization in the other department where the writ petitioner was erstwhile worked becomes *non-est* and thus, the litigation becomes infructuous and the writ petition needs to be dismissed.

Accordingly, the writ petition stands dismissed as infructuous and with the above observation the writ appeal is disposed of. As a sequel, miscellaneous application, pending if any, shall stands closed.

B. PALIT, J

T. AMARNATH GOUD, J

A. Ghosh

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