

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 88 of 2023

Dr. Tapasi Bhattacharjee (43 year)

S/O Shri Sitesh Chandra Bhattacharjee, resident of Bordwali,
Near A.O.C. ,P.O. & P.S. A.D. Nagar,
District:- West Tripura, Pin-799003

---Petitioner(s)

Versus

1. The State of Tripura

Represented by the Commissioner cum Secretary, Higher Education
Department, Government of Tripura, having its office at New Capital
Complex, Lichubagan, P.O. Kunjaban, District- West Tripura, Pin-799004.

2. The Director

Higher Education Department, Government of Tripura, having its office at
Siksha Bhaban, P.O. Agartala, Office Lane, P.S. West Agartala, District-
West Tripura, Pin-799001.

3. Tripura Public Service Commission

Represented by its Secretary, having its office at Akhaura Road, P.O.
Agartala, P.S. West Agartala, District- West Tripura, Pin-799001

4. University Grant Commission

Represented by its Chairman,
Having its Bahadur Shah Zafar Marg, ITO Metro Gate number 3 Road, New
Delhi, Pin-110002.

---Respondent(s)

WP(C) 523 of 2023

1. Dr. Arupa Chakraborty

Wife of Karnajit Saha, resident of Village-Aralia,
Loknath Road, near Brahmakumari Ashram,
PO-Aralia & PS-East Agartala, District- West Tripura,
Pin-799004, aged about 37 years.

2. Dr. Mousumi Pal,

Wife of Sri Subir Biswas, resident of Radiant Bedsree,
Flat No.3D, Ramnagar Road No.5, PO-Ramnagar, Sub-division-Agartala,
District- West Tripura, Pin-799001, aged about 37 years.

3. Dr. Sutapa Pal,

wife of Shri Dulal Chandra Pal, resident of Sudha Niketan,
Badurtali Lane, Krishnanagar, Sub-Division-Agartala,
District-West Tripura, Pin-799001, aged about 44 years.

4. Shri Amitabha Sarma,

Son of Sri Asit Chandra Sarma, resident of Village-Liknath Para,
Aralia, AMC Ward No.26, Agartala,
District- West Tripura, Pin-799004, aged about 49 years.

---Petitioner(s)

Versus

1. The State of Tripura

Represented by the Commissioner cum Secretary, Higher Education Department, Government of Tripura, having its office at New Capital Complex, Lichubagan, P.O. Kunjaban, District- West Tripura, Pin-799004.

2. The Director

Higher Education Department, Government of Tripura, having its office at Siksha Bhaban, P.O. Agartala, Office Lane, P.S. West Agartala, District- West Tripura, Pin-799001.

3. Tripura Public Service Commission

Represented by its Secretary, having its office at Akhaura Road, P.O. Agartala, P.S. West Agartala, District- West Tripura, Pin-799001

4. University Grant Commission

Represented by its Chairman,
having its office at Bahadur Shah Zafar Marg, ITO Metro Gate number 3 Road, New Delhi, Pin-110002.

---Respondent(s)

For Petitioner(s)	:	Mr. B. R. Bhattacharyya, Sr. Advocate Mr. Kousik Roy, Advocate
For Respondent(s):	:	Mr. Kohinoor N. Bhattacharyya, G.A. Mr. Raju Datta, Advocate Mr. R. G. Chakraborty, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH

Order

08/01/2024

Since common question of facts and law is involved in both the writ petitions, these are taken up together for hearing and decision at the admission stage itself today on consent of learned counsel appearing for the parties.

Heard Mr. B. R. Bhattacharyya, learned senior counsel assisted by Mr. Kousik Roy, learned counsel appearing for the petitioners. Also heard Mr. Kohinoor N. Bhattacharyya, learned G.A. appearing for the respondents-State and Mr. Raju Datta, learned counsel along with Mr. R. G. Chakraborty, learned counsel appearing for the respondent-TPSC.

The petitioners are the guest/visiting Lecturers serving under the respondents. They have been appointed in pursuance of an advertisement and through proper selection process.

The plea of the petitioners is that there are so many posts lying vacant under the respondents and they have been continuing to serve as Guest/visiting Lecturers for the last 14 years on contractual basis. The petitioners, therefore, have prayed for regularization of their services.

Mr. Bhattacharyya, learned senior counsel for the petitioners has submitted that mere renewal of contractual period cannot be the ground to discard the claim of regularization of services of the writ petitioners under the respondents.

Mr. K. N. Bhattacharyya, learned G.A. has submitted that the break is not artificial, it is in accordance with law.

Mr. Datta, learned counsel for the respondent-TPSC has submitted that the petitioners are neither qualified nor eligible to be appointed as Lecturer under the UGC norms.

It is settled proposition of law that regularization is not a matter of right, but, a right to be considered by the employer.

However, keeping in mind the continuation of the services of the petitioners for long 14(fourteen) years with artificial break, this Court is of the opinion that it is the appropriate time that the respondents may apply their mind in respect of the requirement of the services of the petitioners vis-à-vis the claim raised by the petitioners in this writ petition, however, within the ambit of Rules and regulations prescribed by UGC and other related laws.

Direction is accordingly passed upon the respondents and thus, the instant writ petitions stand disposed of.

JUDGE

Rohit

SANJAY
GHOSH

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by SANJAY
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