

HIGH COURT OF TRIPURA

_A_G_A_R_T_A_L_A_

WP(C) No.568 of 2024

Smt. Aditi Dutta, W/O-Sri Nihar Ranjan Dhar, R/O Vill+P.O- Chandipur,
P.S:- Kailasahar, District:- Unakoti Tripura, Pin:- 799277.

..... *Petitioner(s)*

V E R S U S

1. The State of Tripura, represented by its Principal Secretary, School Education Department, Government of Tripura, P.O -Secretariat, P.S New Capital Complex, District-West Tripura, Pin:-799010.
2. The Director of Secondary Education, Directorate of Secondary Education, School Education Department, Government of Tripura, P.O -Agartala, P.S Agartala, District-West Tripura, Pin:-799001.
3. The Director of Elementary Education, Directorate of Elementary Education, School Education Department, Government of Tripura, Agartala, Office Lane, P.O- Agartala, P.S- West Agartala, District-West Tripura, Pin- 799001.
4. The Principal Secretary, Finance Department, Government of Tripura, P.O-Secretariat, P.S - New Capital Complex, District-West Tripura, Pin:- 799010.

..... *Respondent(s)*

For Petitioner(s) : Mr. Arijit Bhaumik, Advocate,

For Respondent(s) : Ms. Riya Chakraborty, Advocate.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

=O=R=D=E=R=

05.09.2024

Petitioner has approached this Court seeking the benefit of past service for all purposes including pension, gratuity, leave at credit, pay protection, counting of period for the purpose of determining five years' fixed pay period and for extension of financial benefits in her favour upon grant of such benefit.

[2] The facts of the case, as pleaded, are as under.

The petitioner has, after taking 'No Objection Certificate' from the competent authority, participated in the recruitment exercise for the post of Graduate Teacher (Secondary Level) while working as a Graduate Teacher (Elementary Level) under the Education Department, Government of Tripura. Thereafter, on being successful, she submitted technical resignation and joined the new post of Graduate Teacher (Secondary Level). She also claimed the benefit of past service relying upon certain circular of the Ministry of Personnel, Public Grievances and Pensions, Government of India dated 17.08.2016 regarding the effect of technical resignation and relied on the decision rendered earlier in the cases of *Sri Dilip Shil and others versus State of Tripura and others* in WP(C) No.722 of 2022; *Sri Anup Baul & others versus State of Tripura & others* in WP(C) No.141 of 2024 and in case of *Sri Tarendra Reang & Ors Vs. State of Tripura & Ors.* in WP(C) 234 of 2020. Her representation dated 16.08.2024 (Annexure-14) is pending before the competent authority i.e. Director of Secondary Education, Government of Tripura, respondent No.2. Therefore, she had to approach this Court for relief.

[3] Mr. A. Bhaumik, learned counsel for the petitioner, submits that the respondents may be directed to consider the representation of the petitioner in accordance with law and grant the aforesaid benefits. He also relies upon the case of *Sri Dilip Shil & others versus The State of Tripura & others* in WP(C) No.722 of 2022 wherein pursuant to the order dated 17.03.2023 passed by this Court, those writ petitioners have been granted the benefit of past service. As such, the respondents may be directed to take a decision in accordance with

law in respect of the present petitioner also.

[4] Ms. Riya Chakraborty, learned counsel for the respondents-State, submits that the instant petition has been taken up for the first time. Therefore, instructions are awaited. However, since the consideration on this issue at the first instance lies before the competent authority under the department, in case the representation of the petitioner has not been considered on account of genuine reasons, the respondent-department would consider it in accordance with law in a suitable time as may be directed by this Court.

[5] Having regard to the nature of relief sought for by the petitioner, since the representation of the petitioner is pending before the concerned respondent authority, this Court without expressing any opinion on the merits of the case deems it proper to direct the competent authority/respondent No.2 to take a decision upon her representation in accordance with law within a reasonable period preferably within 16(sixteen) weeks from the date of receipt of copy of this order.

[6] The instant petition is disposed of with the aforesaid observations.

Pending application(s), if any, shall also stand disposed of.

(APARESH KUMAR SINGH) CJ