

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.585 of 2023

1. **Sri Swarup Nandi**, S/o-Late Ramendra Narayan Nandi, Town Pratapgarh, Ramthakur Road, near Udaiman Sangha, PO: Agartala College, Agartala, West Tripura.
2. **Sri Sumanta Saha**, S/o Sri Suresh Chandra Saha, Unnayan Sangha, near Sankaracharya School, AD Nagar, Agartala, West Tripura.

....Petitioner(s)

Versus

1. **Tripura University**(A Central University), established by Tripura University Act, 2006, being represented by the Registrar, Tripura University, Suryamaninagar, District-West Tripura, PIN-799022.
2. **The Registrar**, Tripura University, Suryamaninagar, District-West Tripura, PIN-799022.
3. **The Vice Chancellor**, Tripura University, Suryamaninagar, District-West Tripura, PIN-799022.
4. **The University Grants Commission**, to be represented by the Secretary, University Grants Commission, Bahadur Shah Zafar Marg, New Delhi-110002.
5. **Dr. Rajesh Chatterjee**, Assistant Professor, Centre for Social Exclusion and Inclusive Policy (CSEIP), Tripura University, Suryamaninagar, District-West Tripura, PIN-799022.
6. **Dr. Nanigopal Debnath**, Assistant Professor, Centre for Social Exclusion and Inclusive Policy (CSEIP), Tripura University, Suryamaninagar, District-West Tripura, PIN-799022.

....Respondent(s)

For the Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate Mr. S. Bhattacharjee, Advocate
For the Respondent(s)	:	Mr. B.N. Majumder, Sr. Advocate Mr. D.J. Saha, Advocate Mr. S. Saha, Advocate Mr. R.P. Singh, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH

Order

05.08.2024

Heard Mr. S. Bhattacharjee, learned counsel appearing for the petitioners. Also heard Mr. S. Saha, learned counsel appearing for respondents no.1 to 3 i.e. Tripura University. Mr. B.N. Majumder, learned

senior counsel assisted by Mr. D.J. Saha, learned counsel appearing for respondent no.5 and Mr. R.P. Singh, learned counsel appearing for respondent no.6.

The case of the petitioners is that in pursuance of an advertisement for filling up the posts of Lecturer (contractual) for School of IT & Computer Science, both the petitioners after completing all the formalities appeared before the selection process successfully. They were appointed as Lecturers (on contract basis) vide memo dated 03.01.2008 (*Annexure-6* to the writ petition).

It is stated in the memo dated 03.01.2008 that “*as per decision of the 1st meeting of the Tripura University First Executive Council held on 27 December, 2007, vide resolution no.22/01/2007, the following persons are hereby appointed as Lecturers purely on contract basis in the Department/subject noted below at a consolidated pay for a period of 1(one) year from the date of joining which is likely to be extended.*” The names of the petitioners appeared at serial no.8 and 9 in the said memo.

In view of their appointments, the petitioners joined the said post on 22nd January, 2008(*Annexure-8* to the writ petition), which was duly accepted. They have been discharging their duties as Lecturers on purely contract basis at a consolidated pay. On several occasions they approached the competent authority of the respondent-University to absorb them as regular Lecturers with all financial and service benefits, which were denied to them, compelling them to file the present writ petition.

Mr. Bhattacharjee, learned counsel appearing for the petitioners has submitted that the petitioners have been discharging their duties most satisfactorily as Lecturers on contract basis for more than 15 years, but till today the respondents-University are denying their absorption in the posts of Lecturer now re-designated as Assistant Professor. It is submitted that there are altogether 8(eight) posts sanctioned for Assistant Professors. Under present UGC Regulations, post of Lecturer is re-designated as Assistant Professor.

According to learned counsel appearing for the petitioners, at present there is no post of Lecturer on contract basis as sanctioned under the statutory guidelines of University Grant Commission(for short, UGC). So,

non-absorption of the petitioners as Assistant Professor is illegal, arbitrary and discriminatory. It is further submitted that the respondents no.5 and 6 were appointed as Lecturers purely on contract basis but they have been absorbed as regular Assistant Professor under the University as per statutory guidelines of UGC. So, Mr. Bhattacharjee, learned counsel for the petitioner has tried to frame a case that the petitioners are illegally subjected to discrimination since both the petitioners are similarly situated with those of respondents no.5 and 6.

On the other hand, Mr. Saha, learned counsel for respondents-University and Mr. B.N. Majumder, learned senior counsel for respondent no.5 have submitted that the case of the petitioners and the respondents no.5 and 6 are totally dissimilar and not identical at all. The respondents no.5 and 6 were appointed under different advertisement in the post of Lecturer-cum-Assistant Director(temporary post) in the year 2009. So, it is not the case of discrimination.

Mr. Saha, learned counsel has submitted that petitioners have no requisite qualification to be absorbed as permanent Lecturer or Assistant Professor under the UGC guidelines.

I have considered the submissions advanced by learned counsel appearing for the parties.

This Court has posed two questions to learned counsel appearing for the petitioners. *Firstly*, whether the Court has the power to direct the respondents to fill up the vacant posts. *Secondly*, whether the Court has such power to direct the authority concerned i.e. the employer to automatically absorb the persons appointed on contract basis. Learned counsel for the petitioners has fairly submitted that though the court has no power, but it can direct the authority concerned to consider the case of the petitioners on the ground of discrimination.

In view of this submission, without entering into the merits of the case, I direct the respondents-University to consider the claim of the petitioners for their absorption, if they are found to be similarly situated with the respondents no.5 and 6. Needless to say, any consideration of absorption of the petitioners in the post of Assistant Professors must be in accordance with the statutory guidelines of the UGC. The respondents-University may

consider the long service tenure of the petitioners, but within the ambit of the statute.

The entire process shall be completed within the period of 3(three) months from the date of receipt of the copy of this order.

In terms of the above directions, the instant writ petition stands disposed.

JUDGE

Snigdha

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KAR

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by SAIKAT KAR
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