

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.674 of 2022

1. **Sri Nilanjan Kanti Nath**, S/o: Lt. Nani Ch. Nath, R/o: Vill.-Subhashnagar, PO & PS-Kanchanpur, District-North Tripura, Pin-799270, (Age-33 years).
2. **Sri Saroj Das**, S/o: Sankar Lal Das, R/o: Vill. & PO-Panisagar, District-North Tripura, Tripura, Pin-799260, (Age-34 years).
3. **Sri Prasenjit Debnath**, S/o: Sukumar Debnath, R/o: Arabindu Colony, Nutanbazar, Sub-Division: Amarpur, District: Gomati, Tripura, Pin-799104, (Age-30 years).

....Petitioner(s)

Versus

1. **The State of Tripura**, to be represented by the Secretary, Department of Agriculture & Farmers Welfare, Govt. of Tripura, New Secretariat Complex, Agartala, West Tripura, Pin-799010.
2. **The State Level Nodal Agency (IWMP)**, Govt. of Tripura, Department of Agriculture, to be represented by the Chief Executive Officer, State Level Nodal Agency (IWMP), Ujan Abhoynagar, Near Buddha Mandir, Agartala, West Tripura-799001.
3. **The Chief Executive Officer, State Level Nodal Agency (IWMP), Govt. of Tripura**, Ujan Abhoynagar, Near Buddha Mandir, Agartala, West Tripura-799001.
4. **The Member Secretary**, Society for Entrepreneurship Development (SOFED), Entrepreneurship Development Institute of Tripura, ITI Road, Indranagar, Agartala, Tripura 799006.
5. **Sri Chandramouli Paul**, S/o: Kanti Paul, Address-office of the Project Manager, WDC-PMKSY 2.0, near Office of the Superintendent of Agriculture, Bagafa, Santir Bazar, South Tripura, Pin-799144.
6. **Smt. Arpita Sharma**, D/o: Chiranjib Sharma, R/o: Near Gomati District Hospital, Tepania, Udaipur, Gomati District, Tripura, Pin-799120.
7. **Sri Santosh Chakma**, S/o: Kina Kumar Chakma, R/o: Vill.- Netajinagar, PO & PS-Kanchanpur, Laljuri RD Block, North Tripura, Pin-799270.
8. **Smt. Puja Das**, D/o: Narayan Das, R/o: Udaipur, Near TFTI, PO & PS-R.K. Pur, Pin-799120.
9. **Sri Joydeep Dasgupta**, S/o: Dhirendra Dasgupta, R/o: Vill.-Ambassa Colony, PO & PS-Ambassa, District-Dhalai, Tripura, Pin-799289.
10. **Sri Biprajit Majumder**, S/o: Basudeb Majumder, R/o: North Badharghat, Near Swami Vivekananda Club, PO & PS-A.D. Nagar, Pin-799003.
11. **Sri Sayan Ghosh**, S/o: Kaushik Ghosh, R/o: West Bank of Amarsagar, Vill.- Udaipur, Gomati District, Tripura, PO-R.K. Pur, Pin-799120.
12. **Sri Uday Debnath**, S/o: Chanu Debnath, R/o: Vill.-Dhajanagar, PO-Gakulpur, Udaipur, Gomati, Tripura, Pin-799114.

....Respondent(s)

For the Petitioner(s)	:	Mr. P. Roy Barman, Sr. Advocate Mr. Samarjit Bhattacharjee, Advocate Mr. K. Nath, Advocate Ms. A. Debbarma, Advocate Ms. D. Paul, Advocate
For the Respondent(s)	:	Mr. Kohinoor N. Bhattacharyya, GA
Date of hearing & delivery of judgment & order	:	29.07.2024
Whether fit for reporting	:	No

HON'BLE MR. JUSTICE ARINDAM LODH

Judgment & Order (Oral)

By means of filing the instant writ petition, the petitioners have challenged the selection and appointment of respondents no.5 to 12.

2. Facts:

The official respondents had issued a recruitment notification vide No.02/2022-23 dated 19.04.2022(Annexure-4 to the writ petition). Under the said notification, online applications were invited from the eligible candidates permanently residing in Tripura for the posts mentioned in the said notification to place their services in the State Level Nodal Agency (SLNA) under the Agriculture & Farmers Welfare Organization. One of the posts includes Watershed Development Team Member.

2.2. The posts and the requisite qualifications mentioned in the notification may be reproduced hereunder in tabular form:

“Society for Entrepreneurship Development(SOFED)
(An ISO 9001:2015 & 10002:2018 Organization)
I.T.I. Road, Indranagar, Agartala-799006, Phone: (0381) 235 0799
Email.sofed_agartala@rediffmail.com, Visit us at www.sofed.in
No: SED/ESTT/SLNA/1(121)/2022/152 *Date:19.04.2022*

RECRUITMENT NOTIFICATION NO.02/2022-23
Online applications are invited from the eligible candidates permanently residing in Tripura for the posts mentioned below for placing in the State Level

Nodal Agency (SLNA) under the Agriculture & Farmers Welfare with all Tripura service liabilities.

Item No.	Name of the Post with no. of post	Essential Qualification & Experience		Monthly Gross Contract Pay	Age Limit
1	Watershed Development Team Member No. of Posts: 26 (UR-14, ST-08, SC-04)	B.Sc Agri/Horti/Forestry/ BE/B. Tech (Civil/ Electronics/Agri Engineering/ Computer Science/Diploma in Civil/Electronics/Water shed Management/Masters in Rural management from a recognized university/Graduate with certificate course in CNC Turning & Milling from a recognized Tool Room	Essential: Candidates should have at least 5 Yrs working experience in Water Shed Management project. Desirable: The candidate should have knowledge in Geo-Tagging, MIS/PFMS, GIS/Remote Sensing/ Community Mobilization and Institution Building	Rs.20,177/- for Degree/Masters holder. Rs.19177/- for diploma holder	40 yrs
2	GIS Expert No. of post:01(UR)	BE/B. Tech (CSE)	Essential: Candidates should have at least 5 Yrs working experience in field of Remote Sensing & GIS. Desirable: The candidate should have good technical (programming) knowledge and experience in Geo-Spatial Technologies for planning & modeling of watershed management projects.	Rs.28,249.00	40 yrs
3	Community Development Expert No. of post:01 (UR)	M.Sc in Agriculture Extension/Master Degree in Rural Development	Essential: Candidates should have at least 10 Yrs working experience in field of Watershed Projects in State & National Level Desirable: The candidate having PhD in Agriculture Extension will get preference	Rs.28,249.00	40 yrs
4	IT-Expert No. of post:01(UR)	B.Tech/BE in IT/Electronics & Telecommunication	Essential: Candidates should have at least 3 Yrs working experience in software development/MIS Desirable: Experience in software development/MIS	Rs.28,249.00	40 yrs

Terms & Conditions:

1. The selected candidates would be appointed on Purely Contract Basis for a term of 11(Eleven) months and may be extended on performance and requirement of the project.
2. The selected candidates should come under an agreement as per the norms with the SOFED.

3. The candidates shall be called for verification of their original documents for the eligibility of the post/posts. Such date shall be communicated later on.
4. The candidates shall be selected through written examination or interview on purely merit basis and the date of such test/interview shall be informed on due course.
5. Age relaxation for ST/SC/PH candidates would be provided as per Govt. norms. Application shall be submitted through online mode only in the website www.sofedagartala.com up to 5:00 PM of 30th April, 2022. Incomplete application shall be rejected without showing any clarification thereof. No application shall be received physically or by post in any circumstances.

SD/-

MEMBER SECRETARY, SoFED

2.3. Pursuant to the said notification the petitioners applied for the post of 'Watershed Development Team Member' and participated in the selection process. 14 posts were reserved for UR category, 08 for STs and 04 posts for SC category of candidates. The petitioners no.1 and 3 belongs to UR category and petitioner no.2 belongs to SC category. After publication of results, the petitioners no.1 and 3 found that their names did not appear within first 14(forteen) number of posts. Similarly, the petitioner no.2 being a candidate under SC category did not find place within first 4(four) number of posts. The case of the petitioners is that the respondents no.5 to 12, i.e. the private respondents herein neither have essential qualifications nor desirable experiences. The official respondents had issued appointment letters in favour of the selected candidates as per the selection list and the private respondents accordingly joined to the post of Watershed Development Team Member and have been discharging their duties. Having found themselves unsuccessful in the selection process, the petitioners have filed the instant writ petition expressing their grievances against the appointment of the private respondents.

3. In the above background of facts, I have heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. Samarjit Bhattacharjee,

learned counsel appearing for the petitioners as well as Mr. Kohinoor N. Bhattacharyya, learned GA appearing for the respondents-State.

4. Submissions on behalf of the petitioners:

4.1. Mr. Roy Barman, learned senior counsel has contended that though the petitioners have both essential qualification and desirable experience, they have not been considered for appointment to the post of Watershed Development Team Member. Mr. Roy Barman has drawn my attention to a certificate dated 26.04.2022 issued in favour of petitioner no.1 wherefrom it reveals that the petitioner no.1 had an experience of working in the State Level Nodal Agency. Similar certificates had also been issued in favour of other two petitioners, namely Sri Saroj Das and Sri Prasenjit Debnath, respondents no.2 and 3 respectively. Further contention of learned senior counsel is that the respondents no.5 to 12 had no experience in working in Watershed Management Project, but they have been considered for appointment.

4.2. During the course of hearing, Mr. Roy Barman, learned senior counsel has strenuously argued that the addendum dated 07.05.2022 issued by the respondents was illegal and arbitrary because it changed the rule of the game. It is the contention of learned senior counsel for the petitioners that in the recruitment notification it is categorically stated that application would be submitted through 'online mode' only in the Website up to 5:00 pm of 30th April, 2022. The addendum was issued on 07.05.2022 i.e. after expiry of the last date of submission of the application. Learned senior counsel drawing my attention to the said addendum has submitted that in the original recruitment notification it was made an essential qualification that

candidates should have at least 5 years of working experience in Watershed Management Project and it was desirable that the candidates should have knowledge in Geo-Tagging, MIS/PFMS, GIS/Remote Sensing/Community Mobilization and Institution Building, but, under the addendum dated 07.05.2022 this essential qualification of 5 years of working experience in Watershed Management Project had been removed and was made “Desirable”, which was illegal and arbitrary, and thus, is liable to be quashed. It is emphatically submitted that this change made in the midway of the selection process is not permissible in law. The petitioners have both essential qualification and desirable experience but the private respondents have no such experience in working in Watershed Management Project for at least 5 years.

5. Submissions on behalf of the respondents:

Mr. Kohinoor N. Bhattacharyya, learned GA has submitted that there was no illegality or arbitrariness in issuing the addendum dated 07.05.2022. Learned GA has submitted that from the recruitment notification dated 19.04.2022, it is clear that essential qualification is B.Sc, Agri/Horti/Forestry/BE/B.Tech(Civil/ Electronics/Agri Engineering/ Computer Science)/Diploma in Civil/Electronics/Watershed Management/ etc. By issuance of the addendum, the official respondents only removed the word “Essential”, and instead of “Essential” it was made “Desirable”. It is further submitted that the petitioners were not in any way prejudiced by the issuance of the addendum as it was issued long before the interview and that they also appeared and participated in the selection process as candidates seeking selection to the post of Watershed Development Team Member

without raising any sort of objection. It is further contended that the petitioners are estopped from challenging the selection process once they appeared and participated in the entire process.

6. Analysis and Conclusion:

6.1. I have considered the rival submissions advanced by learned counsel appearing for the parties. I have also meticulously perused the advertisement i.e. the recruitment notification no.02/2022-23 dated 19.04.2022 and the counter affidavit filed by the respondents.

6.2. From the counter affidavit it is revealed that a merit list was prepared from all the candidates seeking selection and appointment to the post of Watershed Development Team Member under SLNA. Prior to that, under notification dated 24.06.2022, two Interview Boards were constituted to undertake the interview of eligible short-listed aspirants/candidates. It is further revealed that there are altogether 26 numbers of posts out of which 14 posts of Watershed Development Team Member were meant for UR category candidates, 8 posts for ST category candidates and 4 posts are kept for SC category candidates. In total 162 numbers of applications were received for the said post. The notification for constituting Interview Board to undertake the interview was issued on 24.06.2022 and thereafter, the personal interview for the post was undertaken on 28.06.2022. All the 162 numbers of candidates were called for attending the interview and out of those following numbers of candidates attended the interview (Board Wise), which is shown in the tabular form here-in-below:

Board-1(in two session)	Board-1(in two session)	Total
44	34	78

Personal interviews for the above post were undertaken for 15 marks and the Board Members provided the marks individually based on the performance of the interview. It is further stated in the counter affidavit that the final score of the candidates have been made on the basis of the following criteria:

- (a) The percentage of marks secured by the candidate in personal interview (PI) and equivalent percentage of marks from academic performance has added for final evaluation.
- (b) For example, if a candidate secured 10 out of 15 in PI, the percentage is 66.66. If the academic performance of the same candidate is 70%, from that 66.66% has been taken which would be 46.66.
- (c) The final score of that candidate would be sum of marks of PI and equivalent % of marks taken from the academic performance of the individual candidate i.e., $15+46.66=61.66$ of the above example.

The cut-off marks for the different categories of candidates for final panel as stated in the counter affidavit may be reproduced in tabular form as under:

SI No.	Category	Cut-off marks
1.	UR	65.00
2.	SC	60.00
3.	ST	50.00

7. Accordingly, a common merit list was published after finalization and evaluation of the marks secured by a candidate against the PI and the academic qualifications. Thereafter, separate merit lists were

prepared for UR category (*Annexure-R/VI*), ST category(*Annexure-R/VII*) and SC category(*Annexure-R/VIII*) candidates.

7.1. Petitioner no.1 and 3 herein belong to UR category and petitioner no.2 belongs to SC category, which leads me to peruse the merit lists prepared for UR category and SC category candidates. It is found that the respondents have filled up the posts of Watershed Development Team Member from the first 14 selected candidates under the UR category. From the list it is found that the selected candidates have secured higher marks than the marks obtained by the petitioners. The petitioner no.1, Sri Nilanjan Kanti Nath has obtained 49.10 marks. The name of petitioner no.3, Sri Prasenjit Debnath has not appeared in the merit list prepared for UR category candidates. However, his name has appeared at serial no.31 of the common merit list and it is found that he has obtained 52.20 marks. The name of petitioner no.2, Sri Saroj Das has appeared in the merit list for SC category candidates at serial no.5 and he has obtained 52.56 marks. From the merit list of UR category candidates it is found that 14 posts of Watershed Development Team Member were filled up from the first 14 successful candidates on the basis of securing better marks than that of the petitioners, namely Sri Nilanjan Kanti Nath and Sri Prasenjit Debnath amongst the UR category candidates. Similarly, 4 posts were filled up under SC category from the first 4 successful candidates who secured higher marks than Sri Saroj Das, the petitioner no.2 herein. So, the merit list prepared for UR and SC category candidates crystallizes that the private respondents having obtained higher marks than that of the petitioners had been appointed to the

said post. There is no allegation of malafide or bias against the selection of private respondents or against the members of Selection Committee.

8. According to me, the methodology adopted by the members of the Interview Board was reasonable and for this, the selection process cannot be questioned.

9. Now, coming to the submission of learned senior counsel that the issuance of addendum after the expiry of the final date of submission of online application has changed the rule of the game, I am unable to agree with this submission of learned senior counsel.

9.1. It is found that 5 years of working experience in Watershed Management Project had been made “desirable” instead of “essential” under the addendum dated 07.05.2022. No prejudice has been caused to any candidates intended to participate in the selection process because there is no change in essential qualification and the addendum was issued much before the commencement of the actual selection process. Two interview boards were constituted under notification dated 24.06.2022. So, the addendum was published much before the conduct of the interview of the willing candidates who applied against the post of Watershed Development Team Member. The petitioners were made aware much before their participation in the selection process. Furthermore, they did not challenge the change made under the addendum dated 07.05.2022, which clearly justifies that they had no grievance with the issuance of the addendum dated 07.05.2022. Only after they found themselves unsuccessful they approached this Court challenging the addendum dated 07.05.2022. Moreso, if the petitioners became

successful then they would have never come forward to challenge the said addendum.

9.2. In my view, the addendum dated 07.05.2022, modifying the experience required for filling up of the post of Watershed Development Team Member did not cause any prejudice to any of the candidates. Moreso, knowingfullywell about the change made in the addendum, the petitioners had participated in the selection process. There was an opportunity to challenge the said addendum immediately after the issuance of the same on 07.05.2022, if they thought that it was prejudicial to them in any manner whatsoever. But, without taking such course, they participated in the selection process and having found themselves unsuccessful, they have approached this Court with a plea that the addendum dated 07.05.2022 had changed the rule of the game.

9.3. Furthermore, the change made in the addendum, according to me, is a mere clarification as regards the experience required for filling up the post of Watershed Development Team Member and in my considered view, the working experience for 5 years in Watershed Management Project has not changed the rule of the game in any manner whatsoever being the same was clarificatory in nature and that there was not substantial change. Furthermore, the said addendum would have been interfered with if it appears to be prejudicial to the interest of the petitioners. But, as I said earlier, the petitioners were not prejudiced in any manner whatsoever with the change made under the addendum dated 07.05.2022.

10. On minute scrutiny of the records it comes to light that the selection was made on the basis of evaluation of overall merits that included

personal interview(15 marks) and the academic qualifications. The formula adopted by the Interview Board is in no way be said to be arbitrary when there was no challenge to the said addendum.

11. In view of the aforesaid facts and circumstances, I do not find any merit in the challenge made by the petitioners as regards the appointment of the private respondents and accordingly, the instant writ petition stands dismissed.

Pending application(s), if any, also stands disposed.

JUDGE

Snigdha

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