

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) No.257 of 2023

Dr. Amal Debnath

....Petitioner(s)

Versus

The State of Tripura and 3 Ors.

....Respondent(s)

Along with

WP(C) No.258 of 2023

Dr. Mary Jamatia

....Petitioner(s)

Versus

The State of Tripura and 2 Ors.

....Respondent(s)

WP(C) No.272 of 2023

Dr. Sumana Majumder

....Petitioner(s)

Versus

The State of Tripura and 2 Ors.

....Respondent(s)

WP(C) No.652 of 2023

Dr. Anamika Das

....Petitioner(s)

Versus

The State of Tripura and 2 Ors.

....Respondent(s)

WP(C) No.653 of 2023

Sri Biswanath Das

....Petitioner(s)

Versus

The State of Tripura and 2 Ors.

....Respondent(s)

For the Petitioner(s)	:	Mr. A. Bhaumik, Advocate
For the Respondent(s)	:	Ms. K. Reang, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH

Order

19/03/2024

Heard Mr. A. Bhaumik, learned counsel appearing for the petitioners.

Also heard Ms. K. Reang, learned counsel appearing for the respondents-

State.

All the above bunch of writ petitions are taken up and heard together for disposal with the consent of learned counsel appearing for the parties since common questions of law and facts are involved in all the writ petitions.

By means of filing the above bunch of writ petitions, the petitioners have prayed for absorbing them to the post of Assistant Professors in different subjects.

In earlier round of litigations, this Court had directed the respondents to consider the absorption of the petitioners and to designate them as Assistant Professors in accordance with the scheme subject to availability of the vacant posts. After receipt of the copy of the said order dated 06.12.2022, the respondents had made an exercise and absorbed one SC candidate, namely Sri Shyam Sundar Sarkar against 1(one) available vacant post in SC category for Philosophy subject.

Again, vide memorandum dated 05.01.2023, some other Assistant Professors had also been absorbed on the basis of available vacant posts in the respective academic disciplines against the categories of posts in pursuance to the scheme prepared and notified vide notification No.F.1(716) DHE/Estt(G)/2022/2728 dated 21.09.2022. From the communication dated 05.01.2023(*Annexure-6* to the WP(C) No.257 of 2023), it becomes apparent that the respondents had held that the rest of the eligible Post-Graduate teachers belonging to different disciplines would be accommodated as per the availability of category-wise posts in the light of the order dated 06.12.2022 in WP(C) No.276 of 2022 and WP(C) No.277 of 2022 and other connected writ petitions.

The petitioners in the above bunch of writ petitions have stated that under RTI information they have collected data of available vacancies against the posts in different disciplines. It is found that one post is available in the Law subject, which is reserved for SC category candidate. The petitioners are claiming that some posts are found vacant which are reserved for UR category candidates and some posts are found vacant for both SC and ST category candidates. Furthermore, the reservation of posts can be carried forward only during the next recruitment year, but, not for successive years.

What the learned counsel for the petitioners wants to submit is that a candidate belonging to UR category may be absorbed against a vacant post which belongs to SC/ST category candidates. Similarly, a post belonging to UR category candidate can be filled up by a SC/ST category candidate since posts are being carried forward since 2012 for several times.

On the other hand, Ms. Reang, learned counsel for the respondents-State has submitted that it is the wisdom of the Government whether to fill up any vacant post or not and the petitioners cannot be adjusted against other category of posts to which they do not belong.

Mr. Bhaumik, learned counsel for the petitioners has strongly emphasized on the judgment of this Court in ***Sri Pankaj Bhowmik and Anr. vs. The State of Tripura and Ors.*** passed in ***WA No.458 of 2020*** and other connected writ appeals, where it is held that reservation of posts cannot be carried forward beyond the next recruitment year and it cannot be continued for the subsequent recruitment years.

In my opinion, the principle laid down in ***Sri Pankaj Bhowmik (supra)*** case will not be applicable in the context of the present case. In the instant case, from the communication dated 05.01.2023(*Annexure-6* to the WP(C)

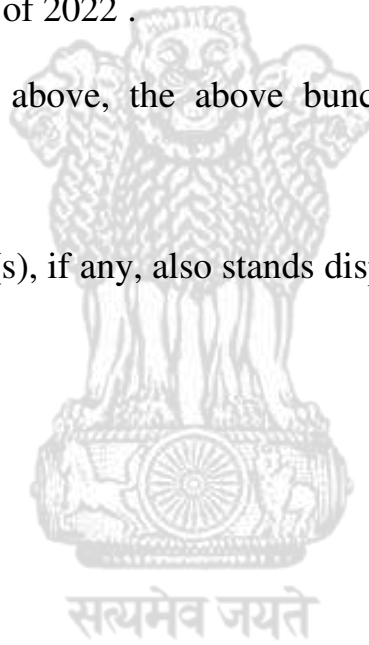
No.257 of 2023) it is apparent that the respondents are taking care of the absorption of the petitioners. It is also equally true that the sanctioned vacant posts should not be continued to remain vacant for the successive years in absence of availability of the suitable candidates in certain categories of the posts.

In view of this, the respondents are directed to consider the grievance of the petitioners in the interest of the students as early as possible keeping in view the spirit of the order dated 06.12.2022 passed in WP(C) No.276 of 2022 and WP(C) No.277 of 2022 .

In the light of the above, the above bunch of writ petitions stand disposed.

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

JUDGE



Snigdha

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KAR

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